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STATE OF CALIFORNIA  
INTEGRATED WASTE MANAGEMENT BOARD  
WORKSHOP TO DISCUSS FUTURE  
IMPROVEMENTS TO THE AB 939  
DIVERSION COMPLIANCE SYSTEM

JOE SERNA, JR., CALEPA BUILDING  
1001 I STREET  
2ND FLOOR  
SIERRA HEARING ROOM  
SACRAMENTO, CALIFORNIA

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PANELISTS

Karen Coca, City of Los Angeles, LA Regional Agency

Evan Edgar, CRRC

Jim Hemminger, California Rural Counties

Scott Smithline, Californians Against Waste

Chuck White, Waste Management, Inc.

ALSO PRESENT

Alan Abbs, Tehama County

Shari Afshari, County of Los Angeles

Jacy Bolden, Jacy Bolden Consulting

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APPEARANCES CONTINUED

ALSO PRESENT

Dave Ault, Republic Services

Jill Boone, County of San Mateo

John Davis, Mojave Desert Recycling JPA

Jim Greco, California Waste Associations

Tracey Harper, Nevada County Recycling Coordinator

Michael Huls, Huls Environmental

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Kevin Miller, City of Napa

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1 PROCEEDINGS

2 DEPUTY DIRECTOR SCHIAVO: Everyone want to find a  
3 seat. We're going to start out with a few words from  
4 Committee Chair, Mike Paparian.

5 BOARD MEMBER PAPARIAN: I'm assured that this is  
6 going to be a lively discussion. You're not going to let  
7 me down, right, talking about diversion compliance and  
8 what you know is possible.

9 One of the things I'm very interested in, we went  
10 from a calculated 45 percent diversion rate statewide to  
11 47 percent this year. And there might be a lot of reasons  
12 and anomalies and mathematics that led us from 48 to 47 or  
13 we may be topping out in terms of diversion in California.  
14 I hope that's not the case, and I'm hoping that amongst  
15 the discussion we'll have today we'll be able to hear some  
16 interesting thoughts about not only how the existing  
17 system could be better, but how we can even improve the  
18 real world diversion in the state and actually get more  
19 waste out of the waste stream.

20 Board Member Mulé is here also, and I think Board  
21 Member Marin may be joining us a little bit later. But  
22 we're here to listen and learn.

23 So you're taking over. All right.

24 DEPUTY DIRECTOR SCHIAVO: Good afternoon. Thank  
25 you for all coming. I'm Pat Schiavo, Diversion, Planning,

1 and Local Assistance Division.

2           And this will be the first of several workshops  
3 on this topic. I hope you all received your packet of  
4 information. If you didn't, there's some copies in the  
5 back of the room. And what you should have is our  
6 introduction letter and then two attachments; one with the  
7 two questions that are posed, and then the second that has  
8 a list of alternatives that are just the starting point in  
9 the process.

10           Today's workshop is going to focus on those two  
11 questions and then looking at how to not prioritize, but  
12 to tier in order of importance those characteristics that  
13 are mentioned on Question Number 2.

14           We want to keep this pretty informal, but we do  
15 have to speak from microphones, because it's being  
16 broadcast on the web. So that's why we have the mics.  
17 And we'll have roving mics around the room as we move  
18 forward with the questions.

19           What we're looking at as far as the process is  
20 the first question will be posed by Phil Morales of our  
21 staff to the five members. They'll have three to five  
22 minutes to respond regarding the strengths and weaknesses.  
23 After each of them has responded, then it will be opened  
24 up to the audience to either ask them clarifying questions  
25 or go ahead and fill in some areas that you think need to

1 be filled in. We want to focus on those particular  
2 questions.

3 So the second question will be dealing with the  
4 characteristics of your -- I'll call it ultimate system --  
5 what you think those characteristics should be. We don't  
6 want to see buzz words as much as we'd like to see more  
7 specifics regarding what those terms are or how you're  
8 conveying the information to us.

9 As far as the break, we're going to try to take a  
10 break after the second question so we have time to compile  
11 the information so we can start with the prioritization.  
12 If we don't get the prioritization complete today, we'll  
13 still have plenty of time. What we'll look at doing is  
14 taking it up at the second series of workshops, one in  
15 Southern California, either November 30th or December 2nd.  
16 And then the next one in Sacramento, which will be either  
17 November 30th, December 2nd, or December 3rd. It's all a  
18 product of availability of rooms at CalEPA, and it gets  
19 really tough during the holiday seasons to get those rooms  
20 obtained.

21 MS. HUNTER: Because of all the meetings that are  
22 happening, not the parties.

23 DEPUTY DIRECTOR SCHIAVO: Yes. Thank you.

24 And so if you're getting a little bit worn out  
25 before we get to the completion of the second question, we

1 can take a break then if you'd like. We'll just kind of  
2 keep an eye on things.

3 All right. The panelists will introduce  
4 themselves as a product of the first question and  
5 responding to the first question. And I'll turn it over  
6 to Phil, who will start the festivities.

7 BRANCH MANAGER MORALEZ: Okay. I've got my watch  
8 here to make sure we keep things on track. And the worst  
9 part is for me to refer to the watch when I get started.

10 I'd like to start with the panel members. We'll  
11 start with Evan and work this way.

12 And, Evan, as you know the first question, what  
13 do you feel are the strengths and weaknesses of the  
14 existing AB 939 compliance system?

15 MR. EDGAR: Thank you. My name is Evan Edgar.  
16 I'm an engineer for the California Refuse Removal Council,  
17 a nonprofit trade association representing the solid waste  
18 haulers, collectors, and MRF operators and composters in  
19 California. I've been here for about twelve years since  
20 AB 939 working on AB 939 empowerment, enforcement, and  
21 equity.

22 As far as the strengths of the existing system,  
23 we believe a lot of good tons are out there with the  
24 collection system and the processing system with a lot of  
25 franchising contracts in place. But we are counting tons.

1 We're not counting beans. Beans are small things. Tons  
2 are 2,000 pounds. And we count tons per day, not like  
3 gallons per minute of water or kilowatts per hour or cubic  
4 feed per second. Tons per day is something you can count.  
5 And we count them every day as part of our diversion and  
6 disposal aspects.

7 But the weakness is the self-haul tons is about  
8 13 percent of the total waste stream that was disposed of  
9 and had to account for the self-haul tons. And there's  
10 good -- today was a compliance aspect of the self-haul  
11 refuse as to get more training and how to do training at  
12 the gatehouse to get that type of compliance in place for  
13 self-haul tons.

14 I believe that the computer systems have been  
15 around since 1990. I worked for a county landfill in 1990  
16 that we were able to account for tons at the gate. I  
17 believe the computer systems have gotten better since. I  
18 believe gate operators know how to count tons at the gate  
19 with computer systems. But the problem is that this  
20 weakness is what counts and does not count? There's a  
21 restricted waste policy on inerts, on white goods, on  
22 soil, and ADC and beneficial reuse. So how do you over  
23 the years -- how do you account for a lot of tons in  
24 California that are non-MSW, where the rest of the nation  
25 looks at recycling MSW? The non-MSW restricted waste is a

1 weakness of what counts and not count over the years.

2 I believe the DRS system is only for disposal  
3 only. I believe the DR system works and can be improved  
4 upon, but the diversion counting is tough. On diversion  
5 and counting, we do have the MRF tons, collection tons we  
6 report every day as part of our franchise contracts, and  
7 so we do have the ability to account for diversion. The  
8 weakness has been that extrapolation, the formulas, and  
9 the calculator compliance that has been going on for years  
10 in order to reach AB 939 goals. Thank you.

11 BRANCH MANAGER MORALEZ: Thank you, Evan.

12 Next person.

13 MR. HEMMINGER: Thank you. My name is Jim  
14 Hemminger. I'm a program manager with the Rural Counties  
15 Environmental Services Joint Powers Authority. We're a  
16 local government entity that's comprised of 21 rural  
17 counties throughout the state, including some of the  
18 remote and least populated areas of California, from Del  
19 Norte to Modoc, including the 1200 people in Alpine  
20 County, Mono, Inyo, and other counties.

21 We have many concerns with the rural counties  
22 about the existing compliance system. And most of the  
23 concerns are focused in on the numerical aspects of it.  
24 One comment, too. Beans are small. But when I open my  
25 can of pork and beans, I know where the bean came from.

1 And the challenge with tons when it comes in, more often  
2 than not, is figuring out where that ton came from, not  
3 counting how big it is.

4 And with that, I did itemize what I think are  
5 some weaknesses and a few strengths to the existing  
6 system. We talk a lot about accuracy, and the Waste Board  
7 is making tremendous efforts to improve accuracy. New DRS  
8 regs. We now have adjustment methods working groups to  
9 improve accuracy. That's important. But I think our  
10 biggest concern isn't so much the lack of accuracy, but we  
11 have no idea how accurate the numbers are. And, to me,  
12 our biggest concern is we don't know the margin of error  
13 we're dealing with. We're trying to improve accuracy, but  
14 we don't know how accurate our numbers are. Spending  
15 tremendous efforts to improve accuracy, but what level of  
16 improvement are we achieving? So I do think the numbers  
17 as indicators would have value if we could attribute some  
18 plus or minus margin of error to it.

19 And, of course, it varies jurisdiction to  
20 jurisdiction, situation to situation. The Waste Board did  
21 do accuracy indicators indicating certain places of high  
22 degree of inaccuracy, but we don't know how much. And  
23 when we come to the Waste Board with a number of 38 or 42  
24 or 49, how accurate is that number? And we talked in the  
25 adjustment methods group on the statistical people, what

1 is the margin of error here? And, frankly, they don't  
2 know. So by the time we combine base years, adjustment  
3 methods, other factors to come up with a number, we hope  
4 it's accurate, but we really don't know how accurate it  
5 is. And without knowing that, it's very difficult to use  
6 that as a compliance measure determination.

7           Base year studies, of course, are the answer.  
8 Everybody wants to improve accuracy. But I think -- and,  
9 frankly, the existing system, it's inevitable that new  
10 base year studies will be required across the street.  
11 They're very expensive. Especially rural counties divert  
12 resources and staff time from our programs. And I'm not  
13 sure they have a lot of utility at this point.

14           We do have close knowledge of our waste stream.  
15 We've been working on this for ten years. More often than  
16 not, new base year studies are an arithmetic effort to  
17 come up with the numbers to achieve numerical compliance,  
18 much more than any sort of evaluative programmatic study.

19           Even if we had accurate numbers, even if those  
20 numbers were real on an individual jurisdiction basis,  
21 we've never tried to correlate the program -- I'm sorry --  
22 the diversion numbers with the actual programs  
23 implemented. We all know jurisdictions with single stream  
24 waste sources. You can have one jurisdiction with 53  
25 percent diversion, another with 28 percent. And if you're

1 a resident in the 28 percent county or business, you may  
2 have more opportunities to recycle than you do in the  
3 other jurisdiction. So the numbers really do not  
4 correlate to meet a program implementation, nor do the  
5 availability of recycling programs to businesses or  
6 residents in the county.

7 I'll try to sum up a little more. I'm probably  
8 going over my time.

9 BRANCH MANAGER MORALEZ: Thirty seconds left,  
10 Jim.

11 MR. HEMMINGER: The numerical computations --  
12 hopefully folks will talk more. They are very expensive.  
13 They take a lot of time.

14 The other thing I want to mention, the time lag  
15 between compliance determination in the existing system,  
16 it's not helpful. We're coming before the Board today to  
17 find out if we were in compliance three years ago. The  
18 existing system requires this amount of time lag in order  
19 to get the numbers right. But it is not helpful, and it  
20 doesn't provide useful feedback to a jurisdiction on  
21 whether or not it is in compliance, or what it needs to do  
22 to get into compliance, because you're three years down  
23 the road from where you were at, which gets into the  
24 unpredictability of compliance results.

25 Go before your Board of Supervisors. Budget

1 money for a recycling program, or City Council, and have  
2 that City Council ask if you're in compliance with AB 939.  
3 While you're on a 1066, you can go through a whole  
4 rationale of explanation, you'll be cut off by your  
5 elected officials, who assume you don't know what you're  
6 talking about. And we do need much more predictability of  
7 compliance. If we do this, we will be in compliance. Not  
8 have a roulette wheel where we're waiting for the numbers  
9 to find out where were we at three years ago.

10 BRANCH MANAGER MORALEZ: Thanks, Jim. We'll go  
11 on to the next speaker.

12 MS. COCA: I'll be brief. My name is Karen Coca.  
13 I'm with the city of Los Angeles also representing the  
14 Los Angeles Area Regional Agency. We have 14 members in  
15 Southern California.

16 Basically, we believe that we're on the same  
17 track as the Board. We want as much material diverted out  
18 of the landfill as possible. We also believe the existing  
19 system with its requirements for base years, diversion  
20 audits, and other computations is too complex and too  
21 costly and doesn't do a thing to increase diversion.

22 In fact, I feel at this point we have to look at  
23 the system, because our current system is creating an  
24 inhibition to get further, because we still -- even though  
25 we are told, "Well, you know, the programs are more

1 important than the numbers," I have jurisdictions coming  
2 to me, not all of them are in my agency, saying, "I just  
3 got told I need to do a new base year." Okay. That's  
4 taking the resources away from the programs and putting  
5 them where they should not belong. And, to me, that is a  
6 major weakness in the system.

7           The strength of the existing system, I hate to  
8 say this, but familiarity. Everybody knows what it is.  
9 They may not know exactly how or where they're going, but  
10 everybody has done the annual reports electronically by  
11 now, and we all feel comfortable with that. And I think  
12 that's something we can preserve. And there is a lot more  
13 emphasis now on programs than there used to be. But I  
14 honestly feel that that is an emphasis that the local  
15 assistance staff -- at least our local assistance staff  
16 where I come from has placed on it, not policy. I believe  
17 that the policy is still numbers. And that the program  
18 implementation and assistance has been more of a voluntary  
19 thing. And I'm sorry, but that's the way I feel about it.

20           I want to say that just unequivocally that the  
21 DRS does not and will never work in L.A. County. It does  
22 not and will never work on a jurisdictional level. We  
23 already do -- every ton is already allocated, and we still  
24 have errors up to 25 percent on an annual basis in many  
25 jurisdictions. It's never going to work. Using it as a

1 basis for compliance in L.A. is going to be a problem now  
2 and forever. We need to find another way to judge  
3 compliance.

4 I think that's everything. I guess the last  
5 thing for us is something that's already been mentioned by  
6 Jim is the cost. I just want to drive home the fact that  
7 if we have to continually do base years and DRS audits,  
8 we're talking about millions and millions of dollars. And  
9 I've said from the beginning and I will continue to say  
10 that it is an unnecessary expense that should be spent on  
11 programs. Thank you.

12 BRANCH MANAGER MORALEZ: Thanks you, Karen.  
13 Scott.

14 MR. SMITHLINE: I'm looking for my blinking red  
15 light. Is it going to show up after five minutes?

16 BRANCH MANAGER MORALEZ: I'll just say "thank  
17 you."

18 MR. SMITHLINE: I'm Scott Smithline with  
19 Californians Against Waste. You know, Californians  
20 Against Waste, for those of you who don't know, is a  
21 statewide nonprofit organization. Our sole aim is  
22 essentially to increase recycling in the state of  
23 California.

24 And I'd like to just take a step back and put  
25 this into perspective from our policy perspective a bit of

1 a statewide perspective for a minute. I mean, the big  
2 question here is, what are we trying to solve? We're  
3 trying to increase recycling and keep solid valuable  
4 materials really out of the solid waste stream. And to  
5 that end, we're here to discuss changes in programs and  
6 accounting numbers to do that.

7 But I think we have to ask from what framework  
8 are we going to be applying these new programs and these  
9 new accounting methods? What I mean is, are we applying  
10 these to jurisdictions that have not yet met their AP 939  
11 goals? Are we applying them to jurisdictions that have,  
12 and this is their future compliance requirements? So  
13 there's definitely value to improving those systems and  
14 moving towards what we think is a better idea, which is a  
15 program-based system.

16 But we need to understand the distinction between  
17 these mechanisms, which would be an alternative compliance  
18 mechanism to 939 and a policy directive, which is really  
19 the second half as far as we're concerned to this  
20 discussion, which is what is the post-AB 939 vision for  
21 California? And we don't necessarily see this discussion  
22 as providing that vision. We think that they're both  
23 necessary. So I just think there is an important  
24 distinction to be made there. I won't say any more about  
25 that.

1           In terms of the strengths of the current policy,  
2 you know, I sort of saw this list here, and I almost did  
3 like a word game with myself and starting listing out  
4 where we have a space here to list words. So I came up  
5 with accountability, tangibility, stability, and most  
6 importantly, vision.

7           And accountability is the hook. This is what  
8 provides the Waste Board, as you know, with the  
9 enforcement power to enforce 939 goals.

10          Tangibility is that we have a system where we can  
11 count. Obviously, when we get to weaknesses, we have lot  
12 of problems with our counting system. But we at least  
13 have a system that is a tangible system we can count.

14          Despite a lot of the problems with the system, it  
15 offers some stability for jurisdictions in terms of  
16 long-term planning. They have a number that they have to  
17 meet, and they put processes in place to get to that  
18 number. And there's some flexibility involved in this  
19 program to take into account differences in jurisdictions.

20          Finally, and most importantly, this system was  
21 based on a vision. You know, the vision was let's cut our  
22 waste in half in the state of California. And I think  
23 whatever we move to next is going to have to have this  
24 vision component to it, or there will not be the  
25 motivation up and down across the state to make these next

1 changes happen.

2 Weaknesses of the current system -- obviously I  
3 won't belabor this. Accuracy of the diversion numbers.  
4 Bizarre and what we think are misleading definitions of  
5 diversion, including ADC and unknown amounts of beneficial  
6 reuse in landfills, both of which really undermine the  
7 legitimacy of the diversion number, which is the number  
8 that we presented to ourselves as a state and the nation.

9 I guess the other weaknesses is that the system  
10 tends to focus towards a mindset of anything but landfill.  
11 And we think we need to continue to focus in on anything  
12 but landfill, but highest and best use and zero waste.  
13 And so as we move towards programs based, whatever our  
14 next system is, whatever our next vision is, I think we  
15 need to really focus on zero waste and highest and best  
16 use and make sure we're incorporating those every step of  
17 the way.

18 Thanks.

19 BRANCH MANAGER MORALEZ: Thank you, Scott.

20 Chuck.

21 MR. WHITE: Chuck White with Waste Management.  
22 Waste Management is the largest provider of comprehensive  
23 solid waste and recycling services in California and  
24 nationwide.

25 Our biggest concerns, I think, that exists with

1 respect to the current AB 939 compliance program is the  
2 overemphasis on numbers as opposed to programs. And  
3 although the 50 percent goal does provide one clear  
4 benefit -- it's easy to understand, it's easy to  
5 comprehend. But, unfortunately, it's almost too easy  
6 because it puts people that are above 50 percent  
7 automatically in the good category. People that are below  
8 50 percent automatically in the bad category. And in  
9 reality, the whole issue of meeting your diversion goals,  
10 I believe, and Waste Management believes, is far more  
11 complex than just simply a binary decision of plus or  
12 minus 50 percent.

13           As was mentioned previously, the existing system  
14 is full of inaccuracies. The base year itself has a  
15 number of estimating problems, the largest of which being  
16 how you find something that's not there. That is the  
17 source reduction amount. You have to come up with an  
18 estimate of source reduction.

19           Source reduction is the highest on the hierarchy,  
20 but is the most complex and difficult to get an accurate  
21 number on. And we're asking 450 jurisdictions to come up  
22 with their individual estimate of source reduction within  
23 their jurisdiction. Source reduction ought to be more of  
24 a statewide issue. What is the State Board doing with  
25 respect to encouraging source reduction through trade

1 organizations, through the largest manufacturing groups  
2 and this sort of thing to really get the biggest bang for  
3 the buck.

4 And, of course, the adjustment factor. Are we  
5 using the right factors? There's only three factors. Are  
6 they appropriately balanced? There's an effort underway  
7 to improve the adjustment factor, but is it really going  
8 to result in a tremendous increase in accuracy?

9 The other issue, of course, is the 450 separate  
10 jurisdictions in the state all individually having to meet  
11 the same magical number of 50 percent. Does that make  
12 sense that you have 20 percent of the state that has 80  
13 percent of the population or 80 percent of the state has  
14 20 percent of the population, yet they're all required to  
15 basically meet this 50 percent diversion number.

16 Whereas, some are going to be easily able to make  
17 it. Others, it's going to be much more difficult,  
18 particularly my friend Jim knows in the rural areas. If  
19 you look at some of the maps the State Board has put  
20 together with respect to the regions of the state, you've  
21 got one-third of the state in three regions that generate  
22 less than 3 percent of the solid waste. You've got two  
23 regions, the South Coast area and the Bay Area, that  
24 generate 70 percent of the waste. And this is where all  
25 the recycling facilities are located. This is where the

1 easy economies of scales can be reached. Why do we have a  
2 system that is equivalent throughout the state for both  
3 these diametrically opposite types of demographics?

4           There's a number of unintended consequences. I  
5 probably haven't got time to go into much detail.

6           BRANCH MANAGER MORALEZ: Another minute, Chuck.

7           MR. WHITE: One that was mentioned is the lag  
8 time. But doing these diversion numbers, you have a  
9 three-year lag time before you know whether you're in  
10 compliance. If there was more emphasize on programs,  
11 you'd know immediately or more immediately what programs  
12 are in place and whether or not you're successfully  
13 implementing those programs.

14           We're going to be tending towards evermore  
15 complexity of the numbers through the disposal reporting  
16 system, the adjustment method, as opposed to spending  
17 resources on implementing programs as has been previously  
18 mentioned.

19           The ADC example. I believe ADC is a form of  
20 recycling. Before the whole number counting problem, ACD  
21 was going to be one of the tools that a landfill manager  
22 used to provide daily cover at their landfill. They would  
23 use materials as necessary. In fact, there was a huge  
24 movement towards using tarps for alternative daily cover  
25 at landfill.

1           But now that the jurisdictions and their contract  
2 haulers are looking for the least expensive way to find  
3 diversion credit, automatically ADC pops up to be the  
4 first thing on the list. If you were to come up with a  
5 list of programs back in 1990 to have recycling in the  
6 state of California, I somehow don't think ADC would be  
7 the number one choice of people statewide. I think it's  
8 legitimate. It's a necessary use of materials to reduce  
9 native soil use, but there's other ways we were heading  
10 towards, and now it's been countermanded by this focus on  
11 trying to get to this magic 50 percent.

12           The source reduction, looking for source  
13 reduction. Source reduction is the highest on the  
14 priority, but it is the most allusive. And 450  
15 jurisdictions are out there trying to find every last ton  
16 of source reduction that doesn't exist, because it's not a  
17 real number you can measure directly. You measure it by  
18 its lack of existence, which creates, to me, a tremendous  
19 dichotomy.

20           BRANCH MANAGER MORALEZ: Can we --

21           MR. WHITE: Finally, my last point is the number  
22 counting system creates a tension between the haulers and  
23 the cities they serve. Cities want to provide 50 percent  
24 at the lowest possible price. Contractors want the --  
25 haulers want the contract to do it, and it results in a

1 lack of specificity on how we're going to get to this  
2 50 percent. Whereas, if you have a program base, we'd  
3 know what the programs were. You'd enter into  
4 negotiations between the cities and the haulers to come up  
5 with a realistic contract to provide the specified  
6 programs.

7           BRANCH MANAGER MORALEZ: Great. Thank you,  
8 Chuck.

9           Now we enter the second part of this question.  
10 And that is for you, the members of the audience, to ask  
11 questions of the panel members, or perhaps to highlight  
12 briefly an area that you think they may have not touched  
13 that's also important.

14           Please note also this one last reminder. This  
15 form that you have some of you brought with you and you  
16 filled it out, if you don't have an opportunity to speak,  
17 you're welcome to leave it here. And this will also be  
18 incorporated into the workshop notes today.

19           I have two people, one on that side, Dorothy,  
20 with the microphone. Dorothy, raise your hand. And Rick  
21 here with the microphone. So if you'd like to raise your  
22 hand, if you have a question of any of the panel members,  
23 now is your chance. And you need to state your name for  
24 the record, too, so we can get back to you.

25           No questions?

1 Oh, yes.

2 MS. HUNTER: Yvonne Hunter, League of Cities. If  
3 you give me a microphone, it's genetically inherent I have  
4 to do it.

5 I don't know whether this is a question, but I  
6 think it's a comment. I think for the most part I agreed  
7 with most of what the speakers say. But a strength of the  
8 existing program has been that it has tended to  
9 institutionalize the need for recycling, reuse, reduce --  
10 reduce, reuse, recycle; both at the local government  
11 level, the private sector level, but more importantly, at  
12 the citizen level.

13 Before that, the average consumer wasn't -- it  
14 wasn't routine to put the bottles and cans and paper out  
15 at the curb. A few jurisdictions around the state, yes,  
16 it was. That doesn't necessarily get in the middle of  
17 counting -- should we have been counting, not been  
18 counting? But, clearly, that has been one of the societal  
19 impacts of AB 939. And I don't think anybody wants to  
20 discount that.

21 BRANCH MANAGER MORALEZ: Thank you, Yvonne.

22 Any other members?

23 Over here, Rick.

24 Please stand and identify who you are.

25 MR. WHITE: Can I respond to Yvonne's question

1 just briefly or not?

2 BRANCH MANAGER MORALEZ: Go ahead, Chuck. We'll  
3 give you just a second.

4 MR. WHITE: Yvonne's given me a note that there's  
5 really 536 jurisdictions, but I know the Board uses a  
6 number of 450 total jurisdictions. So I'm not sure which  
7 is the correct number.

8 MS. HUNTER: The Board is probably combining  
9 regional agencies.

10 BRANCH MANAGER MORALEZ: That's correct. It's  
11 regional agencies.

12 MR. WHITE: I don't think anybody's talking about  
13 getting away from the numbers altogether, Yvonne. But I  
14 do question numbers -- the benefits you cite, are they  
15 necessary to be done at each of 450 to 536 jurisdictions?  
16 Or if we went to more of a county-wide or regional-wide  
17 basis for numbers, would that make more sense?

18 MS. HUNTER: I wasn't saying a benefit or  
19 positive point on the numbers. I'm not here to defend  
20 bean counting or chasing numbers.

21 MR. WHITE: Ton counting.

22 MS. HUNTER: Yes, ton counting. I was talking  
23 about the overall benefits of AB 939, the program as a  
24 whole. So let -- just, please, no one report back to  
25 anybody that I was endorsing and defending the status quo.

1           But one other -- but the status quo also I think  
2   there is a mindset not only at the Board staff level, but  
3   I think from above the Board staff level looking at good  
4   faith effort, program design, and all of that, and that  
5   has evolved over the years. And I don't want to discount  
6   the importance of that. It's a dual culture mindset.  
7   Board staff is great on that, but they also get their  
8   direction from the Waste Board and follow it out. So it's  
9   a synergistic thing.

10           BRANCH MANAGER MORALEZ: Mr. Mohajer.

11           MR. MOHAJER: Mike Mohajer. I'm with the Los  
12 Angeles County Task Force.

13           I have two questions. And I'm assuming the  
14 deadline of October 8 that is indicated in this letter of  
15 September 15th, that deadline has been extended to  
16 possibly December 1st or 2nd? Because this letter refers  
17 to submit your comments by October 8th.

18           BRANCH MANAGER MORALEZ: I think the December 1st  
19 and 2nd we're talking about is the second workshop, the  
20 follow-up workshop that will be held in Southern  
21 California.

22           MR. MOHAJER: You are still not keeping October  
23 8th as a deadline?

24           BRANCH MANAGER MORALEZ: For comments, we'd like  
25 to have them if we're going to incorporate them by that

1 workshop date.

2 MR. MOHAJER: But, you know, I work with many  
3 cities down in Los Angeles County, and also our Task  
4 Force. They are not meeting by the deadline of October  
5 8th, so those comments are going to be missed. So I will  
6 be forwarding some. But this is a problem for the County  
7 of Los Angeles, getting all the comments to you by October  
8 8th.

9 BRANCH MANAGER MORALEZ: I think since we're  
10 going to be having numerous workshops, those comments can  
11 be incorporated. It's just that we have workshops  
12 scheduled for November and early December. And the more  
13 comments we have, the more fruitful those workshops will  
14 become. If they come later, they'll still be  
15 incorporated.

16 MR. MOHAJER: My question to Edgar, of the group  
17 that you represent, what percent of it is franchise  
18 haulers?

19 MR. EDGAR: California Refuse Removal Council is  
20 made up of franchise haulers basically throughout the  
21 state of California.

22 MR. MOHAJER: So it's strictly franchise hauler?

23 MR. EDGAR: Mostly, correct.

24 MR. MOHAJER: Thank you.

25 BRANCH MANAGER MORALEZ: Questions.

1           MR. DAVIS: John Davis, Mojave Desert and  
2 Mountain Recycling Authority.

3           I guess it would be hard on me to envision 15  
4 more years of trying to track better numbers, and I know  
5 that, you know, that will go on. It's not going to go  
6 away. But if we don't start thinking about a different  
7 emphasis, I know I'm going to be out of here because it  
8 will drive me nuts.

9           I think there were some things that we heard in  
10 the adjustment method group last week that suggests maybe  
11 there are some solutions that have been proposed for a  
12 while, this might come forward and make some of the  
13 numbers issues go away. I don't know. Something else  
14 will come up.

15           Programs, to me, gives us a different focus. And  
16 if that becomes the focus, we'll accomplish some things.  
17 If we keep focusing on the number, then we'll spend 15  
18 more years trying to get better numbers.

19           What I didn't hear -- and my question would be, I  
20 didn't hear anybody say the word "markets." And when you  
21 read AB 939, you read the preamble, it has an equal share  
22 of that. When we deal with construction and demolition  
23 waste and organic food waste, we can't put that on a boat  
24 and ship it somewhere to the Asian Rim. So I'm curious  
25 for any of the panelists to comment on markets, how we

1 address markets, and how we use markets to generate  
2 programs.

3 MR. WHITE: Chuck White with Waste Management.

4 We were not mentioning markets. And it's hard  
5 for local governments to do anything about markets,  
6 because it's a much broader area. What local government  
7 can do is do programs. They can do programs both in terms  
8 of source reduction, and they can do programs or  
9 collection. It's very difficult for them to force  
10 markets. It's going to be a statewide level to do that.

11 And it's almost, I think, an injustice of the  
12 existing system the local government is put so much of the  
13 burden of compliance when half of the requirement is on  
14 developing markets that they have very little control  
15 over.

16 So it would seem to me to be better to have local  
17 government be responsible for what they can be best  
18 responsible for, which is the implementation of programs  
19 at the local level. But those programs can only go so  
20 far. They're based upon the demographics and the  
21 situation that's unique to every single jurisdiction in  
22 the state.

23 MR. HEMMINGER: If I could, too. Definitely,  
24 markets are critical to me. Recognition of the markets  
25 are one of the characteristics we'll probably talk about

1 next.

2 But we can put this all into perspective. I  
3 don't think the numbers are all accountability  
4 enforceability. When AB 939 passed, I was quite  
5 idealistic. It was a partnership between local government  
6 and the Waste Board. We in local government are able to  
7 do programs. The Waste Board at the state level can  
8 create markets. The way I understood AB 939 was together  
9 the Waste Board doing what they can with the markets, us  
10 doing the programs, together we'll achieve 50 percent  
11 statewide.

12 The markets haven't been here. And I do think  
13 that's been the driving force which has turned 50 percent  
14 not into a goal, but into a forceable tool that is held  
15 over the head of local government many times to force  
16 implementation of programs for which there aren't any  
17 markets. So we do need to address markets. And,  
18 hopefully, we can work together. And if the markets were  
19 there, I do think the partnership between state and local  
20 government can flourish then, instead of becoming an  
21 adversarial enforcement relationship.

22 BRANCH MANAGER MORALEZ: Scott.

23 MR. SMITHLINE: I'd just like to comment that I  
24 think markets -- obviously, I'm glad you brought that up,  
25 John. We can't spend enough time talking about markets.

1 I think we need to think about markets in two respects,  
2 markets for recyclable goods. And also from a producer  
3 responsibility point of view, markets for source reduced  
4 goods, and one of the things that AB 939 has not been as  
5 effective at is reduction of generation in the state. If  
6 you look at the charts, you know, generation is going up.  
7 Diversion is going up. And we're still landfilling a  
8 whole heck of a lot. So I think we need to keep that in  
9 mind as we continue this discussion.

10 BRANCH MANAGER MORALEZ: I would also like to  
11 point out that the purpose of this workshop really is to  
12 discuss the issue of measurement and the measurement tools  
13 that we have in place. The markets, we have had numerous  
14 workshops. The Board will continue to address that  
15 subject. It's an important subject. But I would like to  
16 keep our focus -- if we got too broad, we'll lose  
17 perspective of what the purpose of the workshop is. And  
18 that is to talk about the current measurement system,  
19 where we need to go with it, and where that goes.

20 So I think markets is a valuable discussion,  
21 probably best saved for another workshop or others that  
22 have happened. I think right now we're looking at  
23 measurement. Measurement is what tends to be the focus of  
24 the 50 percent goal. And I think that the market  
25 obviously plays a factor of the more the markets, the more

1 people want the material. There's no question.

2 But a question now is, how do we measure the  
3 effectiveness of the current programs? And so I'd like to  
4 make sure that the audience knows, that's our purpose  
5 today. And we'd like to continue with that. But markets  
6 is not ignored by the Board. It's a very important  
7 project.

8 Someone else had their hand up here for comments.  
9 Yes, sir.

10 MR. AULT: Dave Ault, Republic Services.

11 Right now we have a situation where the most  
12 powerful diversion tool you have is an Excel spreadsheet.  
13 That's probably not the intent of our disposal reporting  
14 system, but that's reality. Karen is right on when she  
15 says the current system will not work, unless there is  
16 some auditability of reporting. The working group, I  
17 guess 2202 working group, recommended that we put some  
18 teeth into the disposal reporting methodology.

19 Right now we have situations where we have a  
20 transfer station that's showing a 122 percent increase in  
21 self-haul, added 16,000 tons to reporting self-haul,  
22 unauditable, supposedly, in the second quarter, which  
23 affects many jurisdictions adversely.

24 I think that the credibility of the disposal  
25 reporting can be completely compromised as soon as it

1 changes more than one hand. And when you have  
2 jurisdictions that are interactive and highly -- waste  
3 sheds that generate tremendous tonnage, it's very easy to  
4 simply change your Excel spreadsheet, call it unauditable  
5 self-haul, and charge it to a jurisdiction other than your  
6 own. L.A. has that problem. Orange County is  
7 experiencing that problem. And I'm sure as people get  
8 more sophisticated it will probably touch most of you in  
9 this room. That's unfortunate.

10 I think probably the only way you can really end  
11 that gaming is one of two areas. One, you're probably not  
12 willing to take, and that is simply to address the fact  
13 it's cheaper to throw it away and play games than it is to  
14 process in many areas. It's not by coincidence that the  
15 areas that have the highest disposal rates really have the  
16 best programs because economically it makes sense.

17 We're fighting extremely low diversion rates,  
18 which on the surface seems like a good thing. But as far  
19 as our goals of AB 939, it actually is counterproductive.  
20 When it costs us close to \$50 a ton to process material  
21 and you have pirate haulers or, you know, trash to the  
22 dump unfranchised franchise picking material up and simply  
23 taking it to the dump for a rate that no one can compete  
24 against, we have a problem when we have \$22 landfill rates  
25 or \$18 landfill rates. These are the areas that I think

1 you need to look at.

2           The other area is -- the only alternative you  
3 have is auditability of reporting. To be able to report  
4 tonnage, you have to have some audit methodology. And I  
5 think if a jurisdiction wanted to challenge a reporting  
6 jurisdiction, there should be some mechanism for that to  
7 happen. We actually have one entity in our county that  
8 refuses to report. So how do you have a system when you  
9 have an individual refusing to report? So these are the  
10 problems I think you're facing. I think if it's going to  
11 work and you're going to really truly try to monitor the  
12 success of programs, you have to put an audit trail into  
13 the reporting methodology. Otherwise, it will have to be  
14 economic, and I don't think people are willing to face  
15 that battle.

16           BRANCH MANAGER MORALEZ: Thank, Dave. We have a  
17 gentleman here with the mic.

18           MR. O'TOOLE: My name is William O'Toole, and I'm  
19 here -- EcoNomics. And I'm actually here at the behest of  
20 one of the people that is getting the brunt of many of  
21 these tonnage issues, Jake Wager, who's the City Manager  
22 in Stanton. And he asked me to come up and make a few  
23 comments and also observe.

24           On the broader basis, AB 939, when it was passed,  
25 was and has achieved its purpose. It is diverting an

1 awful lot of tonnage, 40, 45, 50. So the first thing is I  
2 think to celebrate the success.

3           The second thing is you have a programmatic-based  
4 system, which is a good idea. You always do have to come  
5 to the point where how do you know when the programs are  
6 really being put in place as opposed to when it's a token  
7 program? And the token program is a result of -- this is  
8 going to sound strange from the consultant, but actually  
9 the haulers aren't getting incentivized financially to do  
10 the programs. That's where the tension that you have  
11 pointed out comes between the cities and then its hauler,  
12 is the city wants the programs to go in, but the hauler  
13 doesn't get any effective way to get paid. And,  
14 consequently, we get good residential programs and we  
15 don't get such good programs in the commercial sector  
16 because that's where the money is.

17           So mine would be the follow-up and the suggestion  
18 is we go with the programmatic, but then we're going to  
19 have to identify that we really do have some measure of  
20 how a programmatic process is it a real program, or is it  
21 a program? Because we can put a check box on.

22           And, thirdly, how do we incentivize the hauling  
23 industry, because they've got to do a major rehaul of  
24 their business model. The original business model was  
25 pick it up as quickly and efficiently in as dense of

1 routes as possible. Haul it to a hole in the ground and  
2 get back out on route. Recycling breaks that model. And  
3 there's been no really consistent effort to financially  
4 figure out how to give them the tools to do what we're  
5 asking them to do.

6 BRANCH MANAGER MORALEZ: We're running low on  
7 time. We have a second question we have to do. I'll take  
8 two more questions, and then I'd like to give each of the  
9 panel members a minute each just to kind of wrap up what  
10 their comments are on this question and then we'll go on  
11 to the second question.

12 Two questions.

13 MS. BOONE: I'm Jill Boone. I'm with the County  
14 of San Mateo.

15 And among other things, I happen to do the  
16 quarterly report on the DRS for our jurisdictions. We're  
17 a small county, population similar to San Francisco or San  
18 Jose, but we have 21 jurisdictions, some of whom have less  
19 than 2,000 people in them. And so we actually have a  
20 simple system in that we don't really have that many  
21 landfills.

22 But the more I do it, the more I spend time  
23 handling what I call boarder disputes, where "it's not my  
24 waste, it's their waste." And this is not just within our  
25 county. It's outside of our county. And, you know, it

1 takes up my time. I end up spending time going back and  
2 digging up backup records, looking at forms, give them  
3 some kind of a sense that this waste might have something  
4 to do with their jurisdiction and that's why they're  
5 getting this tonnage.

6 But anything we can do to alleviate some of those  
7 problems I think would be excellent. And I would  
8 encourage you to go ahead and explore at least on the idea  
9 of going to a countywide system of reporting, because that  
10 would reduce the amount of boarders, if nothing else. So  
11 we would just be county to county, instead of all the  
12 other ones inside.

13 I also would encourage you to consider the  
14 affects of self-haul in the reporting system. When we get  
15 our commercial haulers that pick up the waste from the  
16 cities and bring it in, I'm really confident that we get  
17 that correctly allocated.

18 When we get self-haul, we get these huge dumps  
19 that go into our landfill for disposal from big jobs.  
20 And, you know, frankly, I mean, we've been out there.  
21 We've audited them. We've checked them. And we've talked  
22 to them. I've looked at reports. But I can't put my  
23 finger on it, but there's just things that come up that  
24 you just kind of go, wow. This big trucking company, they  
25 don't understand why they're reporting this. So, you

1 know, what is in it for them to make sure that it's  
2 accurate?

3           And so, anyways, my statement is basically that I  
4 would like you to go ahead and explore that, the  
5 countywide reporting. And also not only would it reduce  
6 the boarder disputes that I talked about, but it also  
7 might get all of the jurisdictions willing to kind of work  
8 together a little more towards some of the bigger problems  
9 that we need to resolve, like the fact that we need a  
10 facility at the landfill that can divert the construction  
11 and demolition instead of, like, looking out for  
12 themselves and where they can take their waste or their  
13 ordinance or whatever that maybe we would come up with  
14 some bigger solutions that I think it's really time for us  
15 to address.

16           BRANCH MANAGER MORALEZ: One more speaker,  
17 someone who hasn't had a chance to speak and would like to  
18 say something.

19           MR. MILLER: Kevin Miller, City of Napa.  
20 Card-carrying bean counter, I'll say.

21           The one thing I'd say about that is everybody  
22 needs to keep score. I don't care what you're doing. You  
23 have to understand where you're at to have any program  
24 effectiveness or chance for improvement.

25           And one of the reasons I've always been a little

1 resistant, too, but just going purely on the adjustment  
2 method of disposal base, if you have a tremendous dip, you  
3 don't know why. And you have no idea. Maybe you have an  
4 idea. But you don't have good tangible evidence of where  
5 to go attack.

6           So I think hopefully part of where you can be  
7 directed to is, one, make sure it's not a token program.  
8 Look at the quality of your program. And then link the  
9 program to specific tonnages. So in a way you're counting  
10 more, but you're targeting it more. So you understand  
11 what needs to be improved or what you're missing. If  
12 you're not doing food waste and that's what's making you  
13 so heavy, you need to take a look, do I need to do that,  
14 just as an example.

15           And the other thing I would say as kind of a  
16 broad picture thing, it was mentioned that 50 percent is  
17 across the board for everybody, whether that's fair or  
18 not.

19           I think the other thing you need to look way back  
20 when is whether it's 50 percent new recycling, new  
21 diversion, or was it 50 percent of the waste stream? And  
22 how you answer that question tells a lot. Because if it's  
23 50 percent of the waste stream -- by the way, there's a  
24 lot of private sector diversion that's totally appropriate  
25 from grocery stores all the way down. You want to

1 encourage that. Support it. Count it. Take credit for  
2 it. If you want more of the waste stream, you increase to  
3 60, 70, you increase the goal. If it's 50 percent new,  
4 then that directly goes back to programs. You have to  
5 have a new program generally to have new direction. So  
6 that was my comment on that.

7 BRANCH MANAGER MORALEZ: Thank you.

8 Just a minute or two for the panel members and  
9 something that you need to say or would like to say.

10 And, Karen, you can say what you'd like. It's  
11 okay. Karen and I have been down many paths.

12 MS. COCA: No. I love the direction the  
13 discussion is going, and I'm very excited that they've  
14 actually -- you have actually opened it up to us to be  
15 able to explore this again. I sincerely thought it was  
16 dead after 2202 when it got buried in the middle of the  
17 report. So I'm glad we're bringing it up now, and it's  
18 actually up for discussion and we're actually moving in  
19 that direction. So I'm just excited we're here.

20 BRANCH MANAGER MORALEZ: Jim.

21 MR. HEMMINGER: If I could just briefly  
22 acknowledge the strength of the existing system. It did  
23 make us aware of our waste streams. It did force us to  
24 look at our franchise agreement. There actually were a  
25 lot of strengths with it.

1           But as I hear people talk and as I talk, the  
2 strengths usually are in the past tense. And I think part  
3 of this is moving forward. We recognize the strengths,  
4 but they've served their purpose. It has promoted a lot  
5 of programs. Maybe it's done a lot of good in spite of  
6 some of the complaints we've had. But those strengths  
7 have brought us to where we're at now and I don't think  
8 that should dictate our future course of action.

9           BRANCH MANAGER MORALEZ: Evan.

10          MR. EDGAR: What you heard today was about  
11 self-haul and about the pirates. Our focus is on  
12 programs. We've always been programs with the franchise  
13 and contract tonnage. The tons are the easy part for our  
14 county's purposes. The programs for real tons. Programs  
15 for real people. We do that all the time. But the  
16 self-haul at 13 percent and the pirate waste stream on  
17 unfranchised have been the problem makers out there. So  
18 that's what I heard today.

19          What I also heard today, the auditing from the  
20 Waste Board has been good with regards to source reduction  
21 and extrapolation. We're trying to -- consumers away  
22 through resource conservation through overextending our  
23 waste generation inflation. That's been typical. And I'm  
24 glad the Waste Board stepped on its strength in order to  
25 audit the system.

1           So what I see happening is that we have to focus  
2   on the self-haul and the unfranchised waste. And,  
3   meanwhile, I'd like to add one more thing to Californians  
4   Against Waste's list is sustainability. You've got a long  
5   list up there, but sustainability and markets are the key  
6   things.

7           BRANCH MANAGER MORALEZ: All right. At this  
8   point as you can see, we have tons of notes here -- we  
9   have two more. I'm sorry. Scott, did you want to add  
10 something?

11          MR. SMITHLINE: You know, the strengths of the  
12 system have been pretty well covered. I think, you know,  
13 we have to have reasonable expectations. I sort of look  
14 at AB 939 as a 15-year waste characterization study. And  
15 we've learned a lot about where we are in the state with  
16 regard to waste. And we need to capitalize on that now  
17 and take advantage of what we learned, what works, and  
18 what doesn't work.

19          And I think the main weakness, as also just  
20 identified by Jim, is that where we go from here, the  
21 future viability of the system is in question when the  
22 system has these inherent flaws of accountability and the  
23 funny numbers issues. As we get closer and closer to  
24 100 percent, those inaccuracies will become more and more  
25 apparent as we're still landfilling a lot of waste. So I

1 think we need to focus on programs and incorporate some  
2 level of accountability into them and I think that's what  
3 we'll talk about next.

4 MR. WHITE: My only comment is we're really at a  
5 crossroads right now. It's four years after the year  
6 2000, two years before 1066 extensions are no longer  
7 available. We're on the verge of doing much more complex  
8 disposal accounting regulations, a new adjustment factor,  
9 getting more detail. Instead of three factors, maybe  
10 we'll have eight factors or 20 factors to more accurately  
11 figure out -- the question we need to ask ourselves as a  
12 group, as a state, is this the direction we want to go?  
13 Or do we want to focus on programs to divert as much as we  
14 possibly can at a reasonable price?

15 BRANCH MANAGER MORALEZ: Great. And with that, I  
16 would like to turn it over to Cara Morgan who will now do  
17 the second part of this. And as you can see, we've  
18 collected a lot of notes. And, please, continue with your  
19 comments.

20 BRANCH MANAGER MORGAN: Thank you, Phil.

21 The next part of the workshop we're going to  
22 focus on what do you see as the critical elements to  
23 improving the current system?

24 We're not, today, going to get into what an  
25 improved system might look like. We're talking about what

1 the critical elements are. The next workshop that Pat  
2 mentioned late in November, early December, we will start  
3 matching up the critical criteria that we identified today  
4 with starting to brainstorm what some of those alternative  
5 measurement systems will look like. So if you could keep  
6 your comments focused to what do you see are the critical  
7 elements to an improved system.

8 We're going to start with presentations from each  
9 of the panel members. They're going to take three to five  
10 minutes to share their thoughts with you. And then you'll  
11 have an opportunity of sharing your ideas.

12 And, again, if you don't have an opportunity  
13 today to get to voice what your thoughts are, we encourage  
14 you to leave your comments or send your comments  
15 electronically, so we can incorporate all of this feedback  
16 for the next workshop.

17 So, Chuck, would you mind starting?

18 MR. WHITE: Not a bit.

19 No need to introduce myself again.

20 I think the new evolving program would place more  
21 emphasis, as I think most of us have indicated, on  
22 programs, particularly at the local level. That's  
23 diversion programs, source reduction programs, at the  
24 local level, but mostly recycling programs, mostly  
25 recycling and collection. And put the emphasis on

1 numbers, which I think are still necessary at the state or  
2 regional level in terms of diversion numbers.

3 I think you still need to provide maximum  
4 flexibility. I think there's still going to be -- at  
5 least initially there's going to be those jurisdictions at  
6 the local level that are going to still want to rely on  
7 some numbers. Because they're happy with the numbers and  
8 they've got good numbers. So you need to provide some way  
9 of transitioning from a numbers focused program to a  
10 program-focused program, particularly those jurisdictions  
11 that use numbers. So you've got to provide flexibility to  
12 local jurisdictions to both, at least initially, use  
13 numbers or rely on programs.

14 The source reduction and market development  
15 aspects should be focused at the state level, it seems to  
16 me. The Integrated Waste Management Board should take, as  
17 they have so far on market development, but really can't  
18 be something local government can do. The markets have to  
19 be stimulated by state programs and policies. And the  
20 same with source reduction. As I mentioned earlier, the  
21 idea of 450 or 530 jurisdictions doing individual source  
22 reductions programs -- we need to focus on the large  
23 manufacturers, the large industries that have the most  
24 capability of source reduction and try to focus on those.  
25 And I think the Waste Board in Sacramento is really the

1 most well suited to do that.

2           You've got to emphasize recycling programs at the  
3 local level. That's what local government does with their  
4 contract haulers or on their own. Collection programs for  
5 disposal and collection programs for recycling and  
6 diversion.

7           That's pretty much it.

8           BRANCH MANAGER MORGAN: Thank you.

9           Scott.

10          MR. SMITHLINE: We've already sort of started  
11 this discussion in a way, so I'll try to keep it brief.

12          I think as we move towards programs, if indeed  
13 that's what happens, we need to focus on zero waste and  
14 sustainability as the goal of the Integrated Waste  
15 Management Board. And I don't think there's any easy way  
16 to do that. I don't think there's an easy to account for  
17 programs. I think it's all in the details. And it's  
18 going to be a lot of work to figure out how to do that.

19          But I think ultimately we have to look at a  
20 program and ask and be able to verbalize how it's  
21 consistent with the zero waste system and with the  
22 sustainable system. For instance, take alternative daily  
23 cover green waste as ADC. Here we have a lot of tons  
24 going into the landfill. As we reduce disposal in the  
25 same landfill, ADC is still going to the landfill. As the

1 garbage disappears, we now have a dirty compost pile that  
2 we need to do something with. I think we need to think  
3 about systems that can be maintained in the future. And I  
4 think, as Chuck said, all the other important words that  
5 we've thrown around here, accountability, flexibility for  
6 jurisdictions that have certain constraints, need to be  
7 taken in account.

8 BRANCH MANAGER MORGAN: Karen.

9 MS. COCA: Thank you.

10 Well, speaking as a jurisdiction, I think the  
11 most important thing is to preserve some sort of  
12 flexibility. Obviously, I've always been touting a  
13 program-based system, whether it has some sort of numbers  
14 associated to it or something. But some sort of a  
15 program-based system. I think in some ways that the local  
16 assistance folks, at least the ones we work with, have  
17 already started that process informally.

18 But preserving the flexibility. You have  
19 jurisdictions that are just residential. They're going to  
20 have a completely different waste stream than we do.  
21 Where we have a lot of manufacturing and other things,  
22 that just boosts our numbers up. I mean -- and it's all a  
23 matter of demographics.

24 I think also that -- and I don't know -- I guess  
25 maybe I didn't understand the question, the elements. But

1 I think the way the Waste Board allocates its resources  
2 needs to change dramatically. I think there's an enormous  
3 amount of resources spent on counting and on going after  
4 jurisdictions.

5           Yet, in the previous meeting it was said that the  
6 state recycling that you track is all not mandatory. Yet,  
7 everybody does it. And it's like, wow. Why is that? I  
8 think because the emphasis was instead of having the  
9 stick, you had to go out and help them do it. And I think  
10 that turn around and putting the resources out there in  
11 the field to actually help us, rather than coming down in  
12 an adversarial fashion, is going to change the entire  
13 nature of how we work together. It's going to make it a  
14 lot easier for us to support what the Board does.

15           We have to get to cost. We all want as little  
16 amount of material in landfill as possible, but we need to  
17 be realistic in what we can do. It cannot be at any cost.  
18 And I think there needs to be an evaluation of not just  
19 what programs are in place, but also the cost  
20 effectiveness, the bang for your buck. So we're not  
21 forcing every jurisdiction to do beyond their resources,  
22 you know, what they can do. I think that that's a danger  
23 that we get into as we boost this -- whatever this number  
24 is or this goal higher and higher.

25           And that's all.

1           BRANCH MANAGER MORGAN: Jim -- and to answer  
2 Karen's question. When we're talking about what might be  
3 the critical elements, what might be the characteristics?  
4 I think Karen brought up flexibility, for example. So,  
5 Jim, if you could speak to the characteristics or critical  
6 elements that you would be looking for.

7           MR. HEMMINGER: Thank you, Cara.

8           We all talk profoundly recognizing one size  
9 doesn't fit all, but we need a level playing field. I  
10 think we have to address those two issues.

11          And my question, I guess, the characteristic  
12 would be recognition of the factors that are needed to  
13 make a level playing field really level. The 500, 400  
14 jurisdictions are different. We need a consistent  
15 compliance program, but it does need to be sufficiently  
16 flexible to accommodate all the differences that we find  
17 in our different jurisdictions. There will be a need for  
18 some numbers, but I think those need to be  
19 easily-available numbers which are clearly indicators, not  
20 compliance standards.

21          The most important thing I think is a rationale  
22 predictability of compliance. We need to know, if we do  
23 this, we'll be in compliance. If we improve there, we'll  
24 move towards compliance.

25          Within that, I agree with Chuck. Our numbers

1 system is flawed. So we do need a transition period.  
2 Otherwise, we're going to find out with a new  
3 program-based method, all those 50 percent counties that  
4 got plaques are going to be on compliance orders, and some  
5 of the struggling compliance counties are at the top of  
6 the list. We have to recognize that, and there does need  
7 to be a smooth transition.

8 I would like to avoid, de-emphasize some kind of  
9 prescriptive list of compliance determinations. Some are  
10 legislatively mandated. Do you have a C&D ordinance? Do  
11 you do this? Do you do that? The more prescriptive it  
12 is, the more difficult it is to comply. You end up, if  
13 it's not appropriate, wasting a lot of resources having to  
14 justify and explain the inappropriateness.

15 Within that, I'd like to emphasize the note  
16 Yvonne Hunter passed on. It does need to be  
17 program-based, but we cannot micromanage the programs. It  
18 is the jurisdictional level to implement a program that  
19 fits the needs in the franchise agreement within that  
20 jurisdiction.

21 In a lot of talk we use reasonable and feasible  
22 to gauge good-faith efforts and determine program  
23 compliance. You need to understand a little bit more in  
24 the real world what do we mean about reasonable and  
25 feasible. And from a rural county perspective, you need

1 to look at cost. You do need to look at markets. All  
2 that should be part of determining what's reasonable and  
3 feasible.

4 We're not into programs yet, what they are. I'll  
5 just throw out here for rural counties, it's not  
6 complicated. Chuck pointed out one-third of the state, 4  
7 percent of the waste. Landfill capacity resource, that's  
8 not the issue. The issue is, do you have recycling  
9 programs are that available to the residents in your  
10 county? In your businesses? And you're doing what you  
11 can to encourage participation. It's not that  
12 complicated. Maybe more so as you get larger, the  
13 principle remains the same.

14 I do want to throw out two things that are  
15 tangentially related, important though. One is part of  
16 this new compliance program method. Let's look at the  
17 regulatory obstacles that interfere with program  
18 implementation. Look at the new compost regs. Look at  
19 the new C&D permitting requirements. And then try to talk  
20 to your fairgrounds and see if they have the ability to do  
21 the things that's required for them to compost waste at  
22 their fairgrounds.

23 We do need to look at the programs and look  
24 beyond just implementing the programs. Why aren't they  
25 being implemented? And let's work with the Waste Board to

1 overcome those obstacles.

2           Lastly, I would like with the Integrated Waste  
3 Management Board -- maybe rurals, maybe other  
4 jurisdictions. But at the local level, you don't realize  
5 when an older person comes down and gives you a compliance  
6 order for your waste diversion not doing a program,  
7 yesterday you were dealing with your LPA about litter.  
8 The day before, the Water Board was there giving you a  
9 notice about run-off problems. You have any number of  
10 solid-waste-related compliance issues you're dealing with:  
11 Burn dumps, closing landfills. Let's integrate our waste  
12 diversion program as part of our local solid waste  
13 program. If we're going to have to do a program to be in  
14 compliance, it's going to drive up disposal costs \$20 a  
15 ton. And all it's going to do is promote illegal  
16 disposal --

17           BRANCH MANAGER MORGAN: Thank you, Jim.

18           MR. HEMMINGER: Maybe that diversion program  
19 isn't so great.

20           BRANCH MANAGER MORGAN: You almost stayed on it,  
21 but you had to get those last two in.

22           Evan, if you would, the characteristics of  
23 critical elements of the improved system.

24           MR. EDGAR: Thank you.

25           In many cases, the local system we have with our

1 contractor franchiser are working at the local level with  
2 regards to not only the program, but counting the numbers  
3 of both disposal and diversion. So at the local level, we  
4 have very successful programs and would be able to provide  
5 those numbers for the franchise waste. It's the self-haul  
6 and pirate waste that's tough. So we have a model in  
7 place that is working quite well, and to roll that up to  
8 the state level is whole other issue. How do we get from  
9 the contract to the county and that aspect of the numbers  
10 is where the problems are at.

11 But I think there are programs that are very  
12 successful programs, and people do get lost with the  
13 numbers.

14 BRANCH MANAGER MORGAN: And, Evan, your  
15 characteristic would be?

16 MR. EDGAR: The characteristic is that we are  
17 having a lot of programs -- it's more than an Excel  
18 spreadsheet, but it starts with an Excel spreadsheet but  
19 moves up to the state level with regards to different  
20 formats. I think we have a lot of incremental  
21 improvements going on with the DRS and adjustment factors  
22 and auditing. I think the Waste Board is currently taking  
23 steps to improve what we have beyond the status quo.

24 And another improvement would be to talk about  
25 sustainability and markets would be conversion

1 technologies and having conversion technologies count as  
2 diversion.

3 BRANCH MANAGER MORGAN: Thank you.

4 We'd like to open it up to get your thoughts on  
5 what the critical characteristics of an improved system  
6 are. You've heard a few, flexibility. As you share your  
7 thoughts, we need you to briefly describe what that  
8 critical characteristic or element is so we understand a  
9 little bit more from your perspective.

10 Okay. So the roving mics are going to rove. And  
11 I must say if you do get off, like Jim, we'll have to  
12 bring you back. So please stay on this topic.

13 MR. GRECO: Jim Greco.

14 I'd say in one word disposal, specifically  
15 disposal reduction. And the reason why I say that is 939  
16 was largely driven by the worry of continued availability  
17 of landfill capacity and the worry on the part of cities  
18 and counties on a proliferation of new landfills.

19 BRANCH MANAGER MORGAN: Jim, can I just  
20 interrupt? Is your characteristic that we would measure  
21 disposal reduction? What is your characteristic?

22 MR. GRECO: How to measure disposal reduction.

23 The other reason is, how is this program paid for  
24 largely? Fees on disposed waste. So the objective should  
25 be disposal reduction and any critical element of future

1 compliance measurements.

2 BRANCH MANAGER MORGAN: Great. Thank you.

3 MS. HUNTER: Yvonne Hunter, League of Cities.

4 First of all, I want to add my thanks to those  
5 who have already done this. I think this is fantastic  
6 that you folks are starting this. When Pat came to talk  
7 with me, what, six months ago, three months ago, the  
8 evolution and the inclusiveness of your efforts are  
9 outstanding. And the fact that you're going to do  
10 workshops around the state is great.

11 The deadline you talked about makes perfectly  
12 good sense. You need those comments by -- at least to the  
13 extent that people have them to feed into the next  
14 workshop. So congratulations. It's much better that the  
15 Waste Board is doing it than those of us out in the -- I  
16 was going to say real world, but we're not in the real  
17 world.

18 BRANCH MANAGER MORGAN: And, Yvonne, your  
19 characteristic?

20 MS. HUNTER: I was trying to be nice.

21 To piggyback on what Jim said, we've always  
22 wanted to move more towards a program-based system. And  
23 there needs to be -- I think I will defer to what the  
24 collective wisdom of all the cities are, but it sounds  
25 like there needs to be some sort of number measurement as

1 an indicator.

2 But as we rush to embrace programs, just hearing  
3 what people are calling sham programs or fake programs, as  
4 Steve Jones -- token programs. As Steve Jones, former  
5 Board member, said, we need to be careful that we don't  
6 end up having Pat Schiavo or Cara riding the back of a  
7 garbage truck to evaluate and determine whether you have  
8 met the criteria that the Board sets for a program.

9 So we can't be -- in an effort to avoid -- here's  
10 the characteristic. In an effort to avoid an emphasis on  
11 token programs, we need to be careful that we don't end up  
12 being overly prescriptive and micromanaging the design of  
13 an individual program. Because then all you're going to  
14 do is trade the heartburn of numbers to the heartburn of  
15 programs.

16 BRANCH MANAGER MORGAN: Thank you.

17 MR. SOUZA: I think she hit a nerve. My name is  
18 Jon Souza. I'm with El Dorado County. And my  
19 characteristic is disposal. Right now I represent a  
20 smaller jurisdiction. But in years past, I was involved  
21 with a larger jurisdiction. In both these jurisdictions  
22 we had programs that were implemented. And we've all gone  
23 through these things. Both jurisdictions have done their  
24 annual report. We've had to do 1066s and new base years.

25 What I find very frustrating is that in our

1 system we have to jump through hoops to prove our  
2 diversion numbers, but yet you accept on faith what the  
3 disposal numbers are.

4 BRANCH MANAGER MORGAN: So, Jon, what is your  
5 characteristic?

6 MR. SOURA: Disposal.

7 BRANCH MANAGER MORGAN: Improving or measuring --  
8 improving your disposal number?

9 MR. SOURA: Yes.

10 MR. WEAKLEY: I'm Robert Weakley with the City of  
11 Fresno.

12 You're talking about the elements of successful  
13 systems, and I think it relates to the weaknesses. The  
14 prior question, I heard a couple of strengths, and that  
15 was it. Everything else was weaknesses. And that was in  
16 the past. So I think that's what we need to focus on is  
17 the weaknesses.

18 But what I think the elements of a successful  
19 system is, first of all, the state the way they do the  
20 calculations, you have to be a professor to figure it out.  
21 And I don't -- all we're doing is saying how many tons in,  
22 tons out. So I think we go a little overboard on that.

23 I think what we need to do is because, first of  
24 all, the state needs to work with the cities and counties  
25 and jurisdictions, whatever, to get that number easily --

1 a little bit more easily calculated, and they need to --  
2 like we've done our numbers. Our numbers do not jive with  
3 the states as far as population, diversion rates,  
4 self-haul, as such. And the state doesn't even know its  
5 own margin of error. So how can we have a successful  
6 system when we don't even know the numbers?

7 BRANCH MANAGER MORGAN: Thank you. So setting it  
8 up so it's a simple, easy to understand measurement  
9 system?

10 MR. WEAKLEY: Yeah.

11 MR. MILLER: Kevin Miller, City of Napa.

12 I'll give you a very specific characteristic,  
13 Class 2 material. And in our jurisdiction, that's a 10  
14 percent variance right there, what was Class 2 and what  
15 wasn't. And we went and got exempted, but we had a big  
16 process.

17 I think that wasn't the original disposal in 939  
18 and it shouldn't be. And it has to be classified  
19 differently coming in the front door. Why shouldn't it be  
20 automatically not counted in disposal and the emphasis be  
21 on you tell us why it would have to be counted as  
22 disposal. We do a lot of work trying to discount it.

23 BRANCH MANAGER MORGAN: So the system shouldn't  
24 include that?

25 MR. MILLER: Right.

1           BRANCH MANAGER MORGAN: In the back.

2           MR. WORRELL: Bill Worrell with San Luis Obispo  
3 County Integrated Waste Management Authority.

4           And I'm going the other direction here. I think  
5 we need to look at expanding the different categories of  
6 waste that we're measuring. I would suggest that garbage  
7 truck commercial/residential franchise/non-franchise,  
8 self-haul and C&D category, and that we need to determine  
9 whether or not each of those three -- using the existing  
10 methods I don't think is bad. I think the problem is  
11 nobody set up programs that addresses all these areas.  
12 And so you worry about the self-haul coming to your  
13 landfill and misreporting.

14           And if that self-haul was recycling over half its  
15 waste at the landfill, you wouldn't be worried about it  
16 being reported towards your diversion. You would want it  
17 because it would be helping you.

18           So I don't see the fault really with the system  
19 if the fault is with the lack of programs out there that  
20 addresses all the different waste streams, that we now  
21 look at the diversion reporting system as a way to try to  
22 get that out of the jurisdiction into someone else's  
23 jurisdiction because we haven't appropriately addressed  
24 how to recycle that waste stream.

25           MS. HARPER: Hi. This is Tracey Harper, Nevada

1 County Recycling Coordinator.

2 I think characteristics of an improved system, at  
3 least for Nevada County, would be a more timely response.  
4 And I say response instead of number, because I'm really  
5 hoping we can go to a more programmatic evaluation. I  
6 think in our county we developed a really good integrated  
7 comprehensive recycling program. And having a number come  
8 out the other end that is very delayed doesn't really  
9 adequately reflect the effort that's been going on in the  
10 intervening time. And it really does actually erode the  
11 base of support for the program. And I really need to  
12 emphasize that. I think there needs to be more trust so  
13 that -- and the focus on programs can help improve that  
14 atmosphere.

15 But when you come out with a number that's two or  
16 three years after you've been doing a lot of program  
17 implementation, those nuances don't go out in the  
18 newspaper, and the Board of Supervisors don't listen to.  
19 All they think is, gosh, we hired you. We have a team.  
20 We've expended, you know, 500-, \$800,000, and our number  
21 went down. So now on jurisdictions like ours, we're  
22 having to spend 10- to \$20,000 a year for waste generation  
23 studies in the meanwhile. We can't afford to have an  
24 inaccurate number come out. And it's inaccurate and it's  
25 delayed.

1           BRANCH MANAGER MORGAN: Thank you.

2           Where's the next mic?

3           MR. ABBS: Alan Abbs from Tehama County, and  
4 Tracey stole my thunder.

5           My characteristic would be timely feedback. And  
6 as an example, I was at a Red Bluff City Council meeting a  
7 few weeks ago. It was a public hearing with a very  
8 boisterous crowd discussing mandatory garbage. And I  
9 stood up there in front of the City Council, and one of  
10 the City Council members said, "What's our diversion  
11 rate?" And I said, "Well, for 2002 it was X percent."  
12 And, "Well, what about this program you did in 2003?"  
13 What about this and this and this? And the only thing I  
14 can tell them is that we won't truly know how that's  
15 affected our division until 2005 or 2006.

16          So, as Tracey said, it's really hard to get  
17 support for doing new programs when you can't prove that  
18 the programs that you've done in the last several years  
19 have made a difference yet. And under a programmatic  
20 system, I could certainly trot out all sorts of statistics  
21 to show how things have improved in the county. But under  
22 the current system, I can't truly show that until two or  
23 three years out.

24          BRANCH MANAGER MORGAN: Thank you.

25          MS. BOLDEN: Jacy Bolden. I work with several

1 cities in Southern California. And along with  
2 flexibility, I would also suggest sensitivity to host  
3 jurisdictions with solid waste facilities. And, Cara, we  
4 talked about this a little bit. But I have three  
5 jurisdictions that have seen an increase in their disposal  
6 when they opened a material -- transfer station or if  
7 they're host to a landfill. And I've done interviews at  
8 the base of landfills and found out that people said, "Oh,  
9 well, we just assumed that we would get a lower tipping  
10 fee if we said we were from this jurisdiction." So it  
11 happens.

12           Everybody wants to tell the truth, but the  
13 almighty dollar really directs them. So I really  
14 encourage some type of consideration for a statewide  
15 analysis of that so there could be a potential credit for  
16 facilities that are hosting jurisdictions.

17           BRANCH MANAGER MORGAN: Thank you.

18           MR. DAVIS: John Davis again.

19           I guess my characteristic would be that Caltrans  
20 took the lead in building all its roads using Class 2  
21 aggregate that was generated locally, paved all their  
22 roads with rubberized asphalt concrete that was generated  
23 locally, and composted and mulched all their median to  
24 save compost and mulch that was generated locally.

25           BRANCH MANAGER MORGAN: Thank you.

1           MR. MOHAJER: Mike Mohajer, L.A. County Task  
2 Force.

3           I just want to follow up what Jim, Karen, Chuck,  
4 and Jim Davis says that the counting is not going to do  
5 the job no matter what we do. That's one issue.

6           Secondly, not all jurisdictions have a franchise  
7 system. There are jurisdictions that work on the free  
8 enterprise system. That's what this country put together.

9           BRANCH MANAGER MORGAN: Mike, do you mind telling  
10 us what the characteristic is?

11          MR. MOHAJER: I'm getting to that. But I don't  
12 get the chance to say -- I have been addressing this  
13 issue, Cara, way before you started. And this has been  
14 going on every year and especially for 2202, so I don't  
15 want to repeat my frustration. But we are back to where  
16 we were from day one. And I have been involved with every  
17 system the Waste Board put together to come up with this  
18 system.

19          But improving your system that you guys are  
20 looking for right now, in Southern California, the only  
21 way you can improve the system, you put a bar code on  
22 every trash can. You put a scale on every trash vehicle.  
23 And you put a GPS system so that they know jurisdictional  
24 boundary. You would do the same thing for the  
25 self-haulers as well. That is the only way you can

1 improve the system. Anything short of that is not going  
2 to do the job.

3 BRANCH MANAGER MORGAN: So more detailed  
4 measurement.

5 Chuck.

6 (Laughter)

7 BRANCH MANAGER MORGAN: I was just kidding.

8 MR. WHITE: That's not quite what I heard. I  
9 follow what John was saying here.

10 I think that's an interesting comment, is that  
11 characteristic would be that whatever the state imposes on  
12 local jurisdictions, they ought to impose on their own  
13 state programs, state agencies. So that seemed like that  
14 would be only fair if whatever evolves, those requirements  
15 would be equal.

16 BRANCH MANAGER MORGAN: Thank you.

17 MR. ZETTERBERG: Bob Zetterberg, city of Rancho  
18 Cucamonga in Southern California.

19 One characteristic, we've had massive growth.  
20 We've changed our characteristic of our city from a 50/50  
21 residential-commercial to now 70/30  
22 commercial-residential. The growth has been great. We  
23 have 31 programs working right now. I'm having to come up  
24 with about six more in order to meet it. I'm still not  
25 meeting my goal.

1           But we need to put something in there that will  
2 allow and take into consideration the growth of these  
3 cities. Maybe we're slowing down. Maybe we'll start  
4 again. But there are a lot of cities that are growing.  
5 And there are lots of cities out to the east of us that  
6 are starting to grow and feeling the pain. Our pain is we  
7 are growing so fast I cannot keep up with the new  
8 buildings and the new construction and new homes. So we  
9 need to build something into this that will allow for the  
10 growth of the total change characterization of a city.

11           BRANCH MANAGER MORGAN: Thank you.

12           MS. BOONE: I'll make this quick.

13           I think that if you're going to stick with some  
14 kind of a jurisdictional boundary, that you should have  
15 the city responsible for their own waste. In other words,  
16 if there's a state facility in a county somewhere, then  
17 the state is responsible for that figure. Or if there's a  
18 county building somewhere else, I don't know how you do  
19 it, but --

20           BRANCH MANAGER MORGAN: Thank you.

21           I don't see anyone else.

22           If we could have the panel add any final  
23 thoughts. Who would like to go first?

24           Jim.

25           MR. HEMMINGER: First, I would like to join with

1 a lot of other people to express appreciation from our  
2 rural counties to Pat, Cara, everybody with the Waste  
3 Board, and particularly the new Waste Board for  
4 undertaking this issue.

5           We do need to emphasize, I've been told, "Jim  
6 hasn't the Waste Board been considering programs when push  
7 comes to shove?" And I think most of our jurisdictions  
8 big and small will agree that once you've gone through the  
9 process, the Waste Board, despite the current system, has  
10 made every effort to consider good faith and look beyond  
11 the numbers.

12           With that, I'm asked, "So what's the problem,  
13 Jim." The fact that the Waste Board may be making a  
14 program-based decision at the end of the process doesn't  
15 obviate the need to change the process. The amount of  
16 time and effort that we spend doing the numbers,  
17 calculating biomass diversion, dealing with self-haul.

18           I smile, 13 percent. Self-haul is the primary  
19 method of waste disposal in most of our rural counties.  
20 So the system even with the Waste Board's use of the  
21 program determinations when you're called up at the  
22 compliance review, like I say, that doesn't change the  
23 need for looking back as soon as we can to begin  
24 implementing and doing some changes that get away from the  
25 bean counting, ton counting, number game.

1 Thank you.

2 BRANCH MANAGER MORGAN: Karen.

3 MS. COCA: I just thought of something actually  
4 that I left off. And it's very important in a system to  
5 have clear rules for evaluation of whatever it is you're  
6 looking at. Let's say programs. That there's clear rules  
7 that both the regulators and the regulated community can  
8 follow. Because I think that follows from one of the  
9 weaknesses of being that sometimes it's a moving target.  
10 People not knowing what counts. I think if it was very  
11 clear what people had to do to implement, say, a  
12 residential program. This is what it entails. Here's the  
13 requirement. So performance standards for particular  
14 programs I think is a very important aspect to making that  
15 work.

16 BRANCH MANAGER MORGAN: Thank you.

17 Evan.

18 MR. EDGAR: California has a two-third of a  
19 billion-dollar investment in AB 939 programs. From that,  
20 we get tons. We have no problem using the tons of the  
21 numeric aspect of looking at the programs.

22 My fear is that if we gut the numbers without the  
23 numeric accountability, that some of the real programs we  
24 have will go towards token programs and devalue the  
25 investment and our assets we have in the infrastructure in

1 current place. That's a big aspect of keeping the numbers  
2 of a numerical aspect of looking at the performance of a  
3 program. And if there's some aspect to have a menu  
4 approach, people may go on a low-carb diet and go around  
5 the programs. So we want to make sure that whatever  
6 performance is out there, that we have some accountability  
7 of those programs with some numerical indicator.

8 BRANCH MANAGER MORGAN: Thank you.

9 Scott.

10 MR. SMITHLINE: Just want to thank the Integrated  
11 Waste Management Board for this discussion today and for  
12 inviting us up here to speak.

13 I think that kind of a take away message is that  
14 there's clearly strong support to move towards a  
15 programmatic program. But I still think that the  
16 conversation is a little short on what that method of  
17 accountability is going to be within these programs.

18 And one thing that wasn't really discussed today  
19 that I think might be worth discussion or I'd appreciate a  
20 response to is, you know, evaluating programs and  
21 developing best management practices for programs. I  
22 don't know if that's a good idea or not. But I don't  
23 think we've discussed it yet today. But, you know, I  
24 think there's too much to overview here, so I'll just stop  
25 there. Thanks.

1           BRANCH MANAGER MORGAN: Thank you.

2           Chuck.

3           MR. WHITE: I heard five things I think, if I  
4 counted my numbers here correctly.

5           One was there should be more emphasis on programs  
6 at the local level.

7           Two, the numbers are still important, but maybe  
8 move those more to a state or regional emphasis.

9           Local governments that are going to be primarily  
10 responsible for programs need maximum flexibility to  
11 choose a different program or means of compliance.

12          Four, there needs to be clear performance  
13 standards for those programs so there can be  
14 accountability.

15          And then the fifth one is that the state should  
16 not impose on local jurisdictions a program they're not  
17 willing to implement themselves for state agencies.

18          BRANCH MANAGER MORGAN: Thank you. That was a  
19 nice summary. Appreciate that.

20          We're going to take a break until 3:15 sharp.  
21 That will give us a chance to kind of synthesize some of  
22 this together. So if you could be back at 3:15, we'd  
23 appreciate it.

24          (Thereupon a recess was taken.)

25          BRANCH MANAGER VAN KEKERIX: Hello. I think that

1 we've captured many of the ideas. We did move some  
2 together when there were similar ideas expressed. But  
3 what we've tried to do on the three boards here is list  
4 the various characteristics that people would like to see  
5 in an alternative compliance system.

6           So, actually, I think I'm going to give you maybe  
7 a minute here to look at the three -- those of you on the  
8 other side of the room, if you want to come a little  
9 closer, it's easier to read. And then we'll get started  
10 putting these into three categories: The most critical  
11 component; the second most; and maybe the third most  
12 critical components that we can start evaluating various  
13 proposals with.

14           MR. SMITHLINE: I don't see zero waste on the  
15 list.

16           DEPUTY DIRECTOR SCHIAVO: Can everyone read these  
17 okay?

18           BRANCH MANAGER VAN KEKERIX: What we tried to do  
19 was cull out of the discussion on Question 2 the factors  
20 that -- the criteria that we should be evaluating  
21 proposals for. So based on the discussion, these were the  
22 criteria things that we heard. Scott just reminded me of  
23 zero waste, so we did add that one. Are there other  
24 criteria that we missed that were mentioned? So are there  
25 other ideas on criteria that we should be evaluating

1 programs for that didn't make it up on this list? Okay.

2 DEPUTY DIRECTOR SCHIAVO: What we're going to do  
3 is rank these into just general criteria. And at the time  
4 when we start the meeting next month, November or  
5 December, we're going to go ahead and reintroduce these,  
6 and we can read just those at those meetings. So this  
7 isn't the end-all deal. This is just the starting point.  
8 You have time to reflect. We can even add to these lists  
9 and change the order of them as we move forward.

10 As far as making the measurements system  
11 voluntary, is this a number one priority, two, or three?  
12 What in your mind -- for number one, how many think this  
13 is an important item? On either one of these, I want to  
14 hear from everybody regarding -- Scott.

15 MR. SMITHLINE: It's a little difficult giving it  
16 a one or three, depending whether you think it's positive  
17 idea or negative idea, to give it a one or three.

18 DEPUTY DIRECTOR SCHIAVO: In building the system  
19 you want to see built, number one would mean it was a  
20 positive idea in building that system. Number three would  
21 mean it's probably the least important in building the  
22 system.

23 BRANCH MANAGER VAN KEKERIX: Can we get not just  
24 two people. If you would raise your hands and let us  
25 know, it would help.

1           DEPUTY DIRECTOR SCHIAVO: The next one is -- who  
2 through out the level playing field, Jim?

3           MR. HEMMINGER: Not having a level playing field.  
4 Recognize the -- define what we mean by level. I guess I  
5 was saying really reflect the differences between types of  
6 jurisdictions. And I didn't -- one size does not fit all.  
7 Thank you.

8           DEPUTY DIRECTOR SCHIAVO: We have level playing  
9 field. Reflect jurisdictional differences. How many  
10 think this is a one? How many think this is a two? And  
11 then three? Ones have it.

12           Now we're looking at cost effectiveness, which is  
13 another thing that we heard. And cost effective -- a  
14 little more clarity, meaning cost effective in the  
15 calculation process, the many program implementation, both  
16 or -- both. Okay. So in this room how many think this is  
17 a one? A two? Okay. I think three is a foregone  
18 conclusion.

19           Use numbers as indicators not for compliance.  
20 How many think this is a one? And number two? And three?  
21 Okay. Looks like one.

22           No state micromanaging the programs. How about a  
23 one? Three? Okay.

24           Next one is require the same level of programs  
25 for state agencies as well as jurisdictions. How many

1 think this is a one? And two? And three?

2 Let's go back to ones and twos again. Ones,  
3 raise your hands high. Okay. Then twos. This looks like  
4 a two.

5 Again, we're going to revisit these.

6 Build in a transition period. How many think  
7 that's a one? How many think that's a two? How many  
8 think that's a three? Okay. We finally have a 2-3.  
9 Okay.

10 Need sensitivity to host jurisdictions.

11 MS. AFSHARI: The host jurisdictions, sometimes  
12 they just get more disposal allocated to them just because  
13 they report.

14 MR. WHITE: But that's less important if you do  
15 the number counting on a regional or county basis. You  
16 still -- what's really important is if you're going to  
17 keep doing it on an individual jurisdiction by  
18 jurisdiction. It's less important the further you get  
19 away from that.

20 MS. AFSHARI: If you go with the countywide, that  
21 will not be the issue.

22 DEPUTY DIRECTOR SCHIAVO: Focusing on specific  
23 jurisdictional implementation. How many think measurement  
24 of the sensitivity to host jurisdictions is important?  
25 How many think it's a one -- by jurisdiction. How many

1 think that's a two? By jurisdiction first. I'm going to  
2 do two levels of it.

3 How many of you think need for sensitivity of  
4 host jurisdiction is important, by jurisdiction?

5 How many think this is secondary importance?

6 How many still don't understand? Okay.

7 MS. AFSHARI: Yes. I'm Shari Afshari. I'm with  
8 Los Angeles County. We do have this issue in Los Angeles  
9 County, because the county has a number of unincorporated  
10 areas and 88 cities. And some of the facilities that  
11 they're within the county are because of the issues with  
12 the difference of programs and the collection systems all  
13 around the county. And most -- it happens a lot that the  
14 waste is allocated to the host jurisdiction, because the  
15 truck comes and has collected from different  
16 jurisdictions. And by the time they get to the area, they  
17 say, "We're from this county." And we find usually --  
18 like the case that when we go and audit some of these  
19 facilities, we find out that the allocation is not  
20 correct. And I think there should be some sensitivity to  
21 the host jurisdictions on what we get counted for that is  
22 not really from that jurisdiction.

23 DEPUTY DIRECTOR SCHIAVO: Everybody clear?

24 BRANCH MANAGER VAN KEKERIX: Just a follow up.

25 This isn't just an L.A. County issue. The DRS staff hears

1 about it from every single jurisdiction that has a  
2 facility in the jurisdiction that people get to the  
3 facilities and they say that they're from that  
4 jurisdiction, or they refuse to say where they're from.  
5 So it isn't just an L.A. County issue. It's statewide.

6 DEPUTY DIRECTOR SCHIAVO: So focusing on it by  
7 jurisdiction measurement. How many think this is  
8 important, a number one priority? How many think this is  
9 secondary? Two. Okay. And then three? Looks like about  
10 a two.

11 Now looking at it from a regional perspective,  
12 not jurisdiction, but regional perspective, how many think  
13 this is important? Secondarily? Number two. And then  
14 three? Okay.

15 And, finally, measure program effectiveness.  
16 This was the one that -- is this the program by only  
17 measuring by program effectiveness or --

18 MS. HUNTER: It's how you distinguish a real  
19 curbside --

20 BRANCH MANAGER VAN KEKERIX: Token program versus  
21 real program.

22 MS. HUNTER: It's the attention with no state  
23 micromanaging.

24 DEPUTY DIRECTOR SCHIAVO: How many think that's  
25 important?

1 MS. COCA: I think that goes with performance  
2 standards. I don't think that's up there.

3 MR. WHITE: You have one of the clear rules for  
4 evaluating, is the same thing, isn't it?

5 BRANCH MANAGER VAN KEKERIX: People express it  
6 different ways.

7 DEPUTY DIRECTOR SCHIAVO: We'll go there. We  
8 slapped this together during the break, so it's not  
9 perfect.

10 How many want more timely numbers? Secondary  
11 importance? Third? Okay.

12 And then how many -- this is a broken chart. How  
13 many want the system to be flexible? And that means  
14 different jurisdictions' conditions warrant looking at  
15 them a little bit differently, the rurals --

16 MR. WHITE: The level playing field issue.

17 DEPUTY DIRECTOR SCHIAVO: Another version.  
18 Number one -- I'm sorry. Okay. That's a one.

19 Scott, you want to go ahead and explain  
20 sustainability in more detail?

21 MR. SMITHLINE: Well, you know, actually, when I  
22 said that zero waste isn't up there, I didn't see that  
23 sustainable was up there. And, you know, it's possible  
24 that they're really the same thing. But what I'm really  
25 getting at is the Integrated Waste Management Board has

1 number seven as a primary purpose, you know, of the  
2 Integrated Waste Management Board is zero waste. So I  
3 think any program that gets developed ought to be able to  
4 incorporate those concepts of zero waste. That's what it  
5 means.

6 DEPUTY DIRECTOR SCHIAVO: Okay. So for  
7 sustainability, zero waste, how many think that's  
8 critical? Number one.

9 MR. SMITHLINE: It's a good thing I'm here.

10 MR. HEMMINGER: Obviously, we don't understand.

11 MR. SMITHLINE: I think this is representative of  
12 a problem with the system of consensus here at the Waste  
13 Board that we're taking a vote of what's a priority based  
14 on who showed up today. And so, you know, for what it's  
15 worth -- well, it's worth what it's worth.

16 DEPUTY DIRECTOR SCHIAVO: That's why I keep  
17 mentioning this is just the beginning of the process  
18 that's going to evolve. And, actually, this is more of an  
19 ultimate goal versus what a characteristic would be, to  
20 how to measure zero waste versus sustainability. So it's  
21 okay.

22 How many think accountability is necessary,  
23 number one? How many think it's number one,  
24 accountability? Accountability for showing that you've  
25 either met whatever goal is set or have implemented

1 programs as determined, you know, whatever the process is  
2 going to look like. This means jurisdictions need to show  
3 they're accountable for implementing their programs.

4 MS. HUNTER: How about the Waste Board is  
5 accountable?

6 DEPUTY DIRECTOR SCHIAVO: Yeah, but right now,  
7 under the existing conditions, we're focusing on  
8 jurisdictions --

9 MS. HUNTER: I would assume accountability would  
10 be not only as you described it, the jurisdiction doing  
11 what it says it was going to do and whatever is the  
12 measurement program numbers. But I think I also heard  
13 other people say accountability for the facilities, that  
14 there needs to be some accountability on whatever  
15 numbers -- let's say you go to a regional system or a  
16 countywide system. There has to be accountability at the  
17 landfill or transfer station on the accuracy of their  
18 numbers, too.

19 DEPUTY DIRECTOR SCHIAVO: Sure.

20 MR. ROOT: You know, one of the weaknesses of the  
21 current system is that misallocation of tonnage, and a lot  
22 of that is on the hauler as well as on the facility. And  
23 we talk about accountability, we usually talk about it in  
24 terms of the local jurisdictions. And I think before the  
25 City of Sacramento accepts accountability, we want to be

1 joined by the haulers and the facilities.

2 DEPUTY DIRECTOR SCHIAVO: I'm just writing it in  
3 global. That mean anybody that has to participate in the  
4 program, meaning the transfer stations, MRF operators,  
5 haulers, et cetera, have to be accountable in the system.

6 MR. WHITE: But the system should also facilitate  
7 accountability, shouldn't provide disincentives.

8 DEPUTY DIRECTOR SCHIAVO: Well, first of all, you  
9 need -- well, you could reverse these in order. Do you  
10 need clear rules for evaluating? And, finally, do you  
11 need accountability based on what those rules are, if you  
12 want to turn it that way?

13 But, generally speaking, conceptually speaking at  
14 this point, because we don't know what accountability  
15 means because we're building the system. Accountability  
16 means, is there essentially compliance? Or are we looking  
17 at this voluntary program? Everybody essentially has said  
18 no, it shouldn't be voluntary. There needs to be some  
19 kind of compliance. So, therefore, accountability ties to  
20 the converse of what we pretty much said.

21 So should there be accountability on all people  
22 who are participating in the program? All right. And  
23 then number two? And then three? All right. So we're  
24 going to take this up again.

25 MR. NELSON: So maybe if you split it up into two

1 different, accountability in terms of the DRS system, as  
2 opposed to accountability of compliance.

3           DEPUTY DIRECTOR SCHIAVO: Practically speaking,  
4 what we are trying to do is take the terms that were  
5 expressed earlier today and essentially slap these  
6 together in 15 minutes. But when you break down clear  
7 roles for evaluating accountability, I totally agree it's  
8 going to be broken down into where we're going with the  
9 system. It's kind of hard to do this kind of evaluation  
10 right now. It does have to be broken out by -- if we have  
11 a disposal reporting system, you have the components of  
12 that. If you have a program implementation based system,  
13 you know, again, you could include the state programs in  
14 here or should they be included. This could be expanded.

15           MR. RED: The way I'm looking at accountability  
16 is not every component or sector is accountable. And we  
17 need to have consistency for accountability. That's what  
18 I look at. When I vote number one, I'm not voting for  
19 more accountability for one sector, but for all sectors,  
20 consistency.

21           DEPUTY DIRECTOR SCHIAVO: We're going to need to  
22 about a two minute break. Is that true?

23           We need better communication.

24           Again, the clear rules for evaluating, like I  
25 said, come back pretty similar to this. It's hard to

1 evaluate what that means until we break out the  
2 components. Do we not want a prescriptive list of  
3 programs? Let's do it this way. Do we want a  
4 prescriptive list of programs? Do we want one? Is that  
5 number one? Number two?

6 BRANCH MANAGER VAN KEKERIX: This would be  
7 something that tells you what programs you must do. Do  
8 you want somebody to set a prescriptive list of programs?  
9 That's what we're voting on.

10 MS. HUNTER: To choose from or you shall do?

11 DEPUTY DIRECTOR SCHIAVO: Well, again, whoever made  
12 the comment.

13 MR. HULS: Michael Huls, Huls Environmental.  
14 Don't we already have a prescriptive list called our SREE?

15 DEPUTY DIRECTOR SCHIAVO: The SREE was determined  
16 by yourselves. Okay. You put the SREE. A prescriptive  
17 list would be the state saying you have to implement  
18 either from the list of programs or the specific programs.

19 MR. WHITE: There's two ways of doing it. One,  
20 you've got a list of ten things and you do have to do all  
21 those ten things and you can't do anything else. The  
22 other would be to have a list of a hundred things that may  
23 add up to 100 points and you have to do 100 points.

24 DEPUTY DIRECTOR SCHIAVO: The bottom line is, the  
25 concept is, do you want anything prescriptive going your

1 way, or do you want the opportunity to choose your  
2 programs? That's what we're talking about.

3 So number one, do you want a prescriptive list?

4 Okay. Two? Three? Okay.

5 Do you want the calculational process simplified.

6 One? Two? Any threes?

7 Do we want --

8 BRANCH MANAGER VAN KEKERIX: Just to let people  
9 know on the simplified calculations, at the recent  
10 adjustment method group there was discussion that to be  
11 more accurate, they might have to be more complicated.  
12 But as long as the Board did the math, that was okay.

13 DEPUTY DIRECTOR SCHIAVO: Again, this is -- I  
14 think Scott touched on this. It depends on your audience.  
15 You're going to get a little different version of how you  
16 look at all this stuff.

17 Do we want to have reasonable and feasible  
18 defined early in the process? If you narrow the  
19 definition of that, that means you have less flexibility.  
20 If you keep it broadened, that means you have more  
21 flexibility. That's essentially what that says. So do  
22 you want less flexibility in -- well, I mean, that's what  
23 it is. Unless you want to clarify?

24 MR. HEMMINGER: Clarity without specificity.

25 DEPUTY DIRECTOR SCHIAVO: Do we want that less

1 flexibility in dealing with reasonable and feasible? I  
2 mean, do we want less flexibility? How many think that's  
3 a number one? How many think that's a two? Or a three?

4 MS. HUNTER: And no opinion?

5 DEPUTY DIRECTOR SCHIAVO: How many have no  
6 opinion. No opinion? Okay. Put an n/a, whatever.

7 MR. MOHAJER: Mike Mohajer. AB 939 has a part of  
8 going through the process you make a determination of  
9 reasonable and feasible, because that's what the law says.  
10 So I think what Jim is asking, does the Waste Board staff  
11 determine what is reasonable for you guys and what is  
12 feasible to you guys? This is how the question needs to  
13 be addressed, not turning to put you --

14 DEPUTY DIRECTOR SCHIAVO: No. Reasonable and  
15 feasible right now is very flexible depending on the  
16 circumstances. If you define it, it's going to be less  
17 flexible. And that's the question. Do you want less  
18 flexibility with it, or do you want more? That's the  
19 question.

20 MR. MOHAJER: If you don't define a boundary for  
21 it, then pretty much ultimately you're going to end up  
22 being in a political game. And it's not going to be  
23 applied to every jurisdiction uniformly. Has it happened?  
24 Yes. Will it happen again? Yes.

25 DEPUTY DIRECTOR SCHIAVO: Okay. Right now

1 everyone said let's leave that one alone, n/a for right  
2 now.

3 Next one is factors that address fast-growing  
4 cities and counties. What we heard is even though  
5 jurisdictions are implementing programs to address the  
6 fast-growing communities, they just can't do enough quick  
7 enough. So how many think that's a number one? How many  
8 number two? And then three? Okay. It looks like a two.  
9 It depends on your circumstance where you live.

10 Focus in on the self-haul and pirate waste. We  
11 heard a lot about that earlier. How many think this is a  
12 one?

13 MR. WHITE: It's a problem if you keep counting  
14 on jurisdiction by jurisdiction basis. If you get away  
15 from that, you have less of a problem.

16 DEPUTY DIRECTOR SCHIAVO: I agree.

17 So how many think based on jurisdiction by  
18 jurisdiction this is a number one priority? That's a  
19 number one.

20 Now if we went to either countywide or a regional  
21 based, how many think this is a number one priority?  
22 Okay. Two? And then three? Okay. So three. Okay.

23 The next thing we heard is that we have  
24 composting regs, et cetera, that are in conflict with our  
25 existing disposal reporting and program implementation

1 efforts. How many think we need to address those? Okay.

2 That looks like a number one. How many think it's a two?

3 That's a one.

4 And then how many think we need to have different

5 standards for rurals? How many think that's a number one?

6 I guess it depends on where you live. How many think it's

7 a number two? It's a number 1, 1.5.

8 Okay. And then we had comment -- this was

9 focusing on all sectors, residential, commercial,

10 self-haul focused on those independently for program

11 implementation. That was Bill's.

12 Could you explain in a little more detail, Bill?

13 MR. WORRELL: Jim Hemminger, Local Counties.

14 (Laughter)

15 MR. WORRELL: I think we need to be measuring in

16 each of those different categories and ensure we're

17 achieving 50 percent in all the different ones, because I

18 think we all know the situation were there's counties with

19 no programs that are 80 percent division because of some

20 unique factor, and they ignore all the other programs.

21 What I'm suggesting is that we break it up into different

22 areas and look at achieving 50 percent in each of those

23 various areas.

24 DEPUTY DIRECTOR SCHIAVO: So we're talking about

25 essentially a more detailed system breaking these

1 components out which would probably maximize diversion.

2 But on the other side, it would be more complex. That's  
3 the trade off with this process.

4 How many think this is a number one? Two?

5 Three? Shocked.

6 Okay. What counts, we'll get into the  
7 restrictive waste and the Class 2 comment. And it was --  
8 do you remember what that was? It was the person from  
9 Napa.

10 BRANCH MANAGER MORGAN: Taking it out of the  
11 system pulling those --

12 DEPUTY DIRECTOR SCHIAVO: Pulling Class 2  
13 restricted and restricted waste totally out of the system  
14 all together. So right now we go through a process where  
15 you can modify your reporting information to us, and it  
16 can be pretty laborious. How many think that's a number  
17 one, is pulling that stuff out of the system? How many  
18 think it's a number two? And then number three? Okay.

19 BRANCH MANAGER VAN KEKERIX: Which diversion  
20 programs count? Only new or --

21 DEPUTY DIRECTOR SCHIAVO: That was the same  
22 person from Napa talking about -- okay. Base year or new  
23 programs being implemented. I didn't understand the  
24 mechanics of how you do that. Does anyone understand the  
25 mechanics? Let's put an n/a for right now. We can add.

1           And then this was brought up. Have more of a  
2 focus on diversion programs earlier on in the process,  
3 less on the numbers in the process. Because first of all  
4 the first cut is to go through all the number crutching  
5 and the calculations and resolve that. And then we move  
6 on to are the programs appropriate or not? How many think  
7 this is a number one? How many think it's a number two?  
8 And three? Okay. So one.

9           Zero waste. We talked about sustainability.  
10 That was -- and then conversion technology, we talked  
11 about moving to conversion technology. But I didn't  
12 understand the context within this. And Evan, I think,  
13 brought that up.

14           MR. CAVAGNARO: I think the speaker meant have it  
15 count as diversion. Okay.

16           DEPUTY DIRECTOR SCHIAVO: Let's move on then.

17           How many think it should count as diversion?  
18 Number ones? And then at what levels? I mean, there's a  
19 lot of different levels of this. That's why I was trying  
20 to avoid it.

21           MR. ROOT: The problem is with the levels.

22           MS. HUNTER: Yes. It should count as diversion,  
23 but is that -- yes, it should count as diversion. But if  
24 we're going -- my sense is, is it the high priority,  
25 middle, or lower priority?

1           DEPUTY DIRECTOR SCHIAVO: And then the other  
2 question is, is it 10 percent like the current biomass  
3 system, or are we talking about a higher level or  
4 100 percent or what is it?

5           MR. DAVIS: Sounds like a market discussion.

6           DEPUTY DIRECTOR SCHIAVO: How many want to  
7 measure at a county level or regional level versus at a  
8 jurisdictional level? How many think it's a two? And how  
9 many three? One/three. We've got to put more specifics  
10 in there. Put more specifics in here.

11          Okay. You made the comments regarding what  
12 programs count as new programs based on where people  
13 actually are versus everybody just getting to 50 percent.  
14 So we just wanted --

15          MR. MILLER: What I was trying to get back to is  
16 what is the intention of 939? If you're trying to  
17 understand how to measure 939 or go from here to improve  
18 upon it. And what I was saying was if it's 50 percent of  
19 the waste stream that needs to be diverted, then you kind  
20 of have to go back to the model of counting anything and  
21 everything, because you have to understand total  
22 generation to know that you've diverted half of it  
23 including what the private sector does, a lot of things  
24 that we don't necessarily deal with all the time. And  
25 then compare that to if the concept is 50 percent new

1 diversion, new program recovering materials that  
2 previously were not recovered, then that would be a  
3 different model and would be more program based. Did you  
4 do something to attack a significant portion of your waste  
5 stream in the future that you weren't doing yesterday?  
6 Does that make sense?

7 DEPUTY DIRECTOR SCHIAVO: Not --

8 MR. HULS: If I understand, it's disposal versus  
9 generation-based. Is that --

10 MR. MILLER: It's not just that. It's requiring  
11 you to go back and do waste characterization before you do  
12 select your program menu. How's that? You have to  
13 understand what your waste stream is.

14 DEPUTY DIRECTOR SCHIAVO: To establish a new  
15 baseline and then go from that point, whatever or --

16 MR. MILLER: Find out what you're missing. Bill  
17 Worrell talked about it earlier, about the three,  
18 residential, commercial, C&D, and having 50 percent in all  
19 those programs. If you didn't have it in one of those  
20 programs, that would lead you to put a new program to meet  
21 it. How's that?

22 DEPUTY DIRECTOR SCHIAVO: Much more clear. So  
23 it's essentially, this one, break out the sectors and get  
24 to 50 percent in each sector then. Okay.

25 And, finally -- and, again, what this is, this is

1 just brainstorming to get the thought processes started.  
2 We're going to work on compiling all this information.  
3 All the words are being reported by the court reporter.  
4 And we're going to compile this information.

5 I know when we're prioritizing these things we're  
6 flying blind, because on some of these it's hard to, you  
7 know, figure out what we're really voting on, if you will.  
8 We need more specifics. But it kind of gives us a little  
9 bit of assistance, such as measuring at county or regional  
10 level versus jurisdictional. And it's kind of interesting  
11 where there's a pretty dynamic split there and just get  
12 people thinking. We listed out all those alternatives,  
13 that list of alternatives we gave you. And, you know,  
14 compare some of this information to those alternatives.  
15 Look at hybrids. I mean, the process is real open.

16 But, again, this is just to kick this off. The  
17 next meetings we have are going to be more intense and  
18 longer. And this was designed to keep it relatively brief  
19 versus where we're going to be going with this.

20 Mike, you had your question.

21 MR. MOHAJER: Yeah, Pat. In reference to measure  
22 of county or region level, I want to emphasize that you  
23 also got to look at the weighted average rather than  
24 simply number of hands that was raised. And you can look  
25 at the rural counties. They have their own problem. So

1 does the metropolitan areas. We have our own problems.  
2 So that ought to be really discussed as a part of the  
3 discussion.

4 The second issue, and we really didn't get too  
5 much into it, was the zero waste and conversion  
6 technology. Zero waste we have to look at it the way it  
7 is defined by the Waste Board and put into materials if  
8 you put the materials back in to their original form as a  
9 new product, that is counted as part of the zero waste.

10 And so you have to look at the beneficial use of  
11 materials. Whether you call it a conversion, you call it  
12 recycling, you call it composting, beneficial use -- this  
13 gets into really redefining the hierarchy of the waste  
14 management that could become really another subject of  
15 today's discussion. Thanks.

16 DEPUTY DIRECTOR SCHIAVO: Zero waste, markets,  
17 sustainability, all of those lend themselves to ultimate  
18 goals and other discussion.

19 But is there anything anyone wants to add on here  
20 now that you see all these lists? And I know that as you  
21 go home you'll think of other things. And, again, there's  
22 the October 8th deadline. But if something hits you after  
23 that, go ahead and submit it. If we have time, we'll try  
24 to get the information in there as close as we can to a  
25 deadline that will get out for you.

1           As far as the dates for the future workshops,  
2 we're going to get that out to you before we have this  
3 stuff compiled just so you can set your calendars for it.  
4 So anticipate within the next week we'll probably know  
5 about the availability of the rooms. So we'll notice you  
6 about that so you can at least black it out on your  
7 calendar. And this stuff will take a little while for us  
8 to compile. There's a lot of stuff here and trying to  
9 interpret it.

10           And, again, at the next workshops what we'll do  
11 is go over what we accomplished here and try to make more  
12 sense of this. And then we'll go starting to forge into  
13 the actual alternative approaches.

14           Michael.

15           MR. HULS: Michael Huls.

16           I was wondering if in your information that  
17 you'll be sending out either by e-mail or other  
18 mechanisms, could you put information like a background  
19 about the whole issue, how many cities have problems with  
20 numbers, where numbers are real difficulties, how many  
21 cities have achieved compliance, things of that nature to  
22 help kind of frame, I think as Mike Mohajer had mentioned,  
23 you know, like the whole issue of rural versus urban and  
24 such so that we have sort of a context in which to  
25 evaluate the recommendation.

1           DEPUTY DIRECTOR SCHIAVO:   Okay.   Susan will get  
2 right on that one.   We'll do our best.

3           MS. HUNTER:   But, Michael, some of that is going  
4 to be subjective.   It may be -- I'm sure they have data on  
5 how many cities are in compliance orders, what numbers, et  
6 cetera.   But who has difficulties with the numbers, just  
7 because you get the Waste Board your number, you may have  
8 gone through hell and a lot of money to get the numbers.  
9 So they may not have that.

10          DEPUTY DIRECTOR SCHIAVO:   We went over some of  
11 that this morning.   And, again, it's hard -- you know,  
12 again, the number, we use that as an indicator.   And you  
13 may be over 50 percent.   But, therefore, in your mind you  
14 have no problem with the numbers a particular year.   You  
15 go to the next year.   You drop below 50.   All of a sudden  
16 the numbers are the most critical thing in the world.   And  
17 it's tough to --

18          MR. HULS:   This is Michael Huls.

19          In general, as much information as you can  
20 provide, not of a subjective nature, but more objective  
21 nature.   How many cities have had to do base year studies,  
22 things of that nature, I think, which would help us to  
23 understand the context for this.

24          DEPUTY DIRECTOR SCHIAVO:   We'll do that.   Susan  
25 is right on it.

1           Are there any other questions you have regarding  
2 today or the future events and where this is going? And  
3 we're trying to get as much accomplished as soon as we  
4 can. The leg. cycle goes by, and it would be nice to move  
5 forward as quick as we can. But we want to make sure it's  
6 done right.

7           MS. KOTKO: I'm Denise from West Sacramento. And  
8 I'm wondering -- a lot of the discussion I'm hearing today  
9 is do we go as a jurisdictional basis, the way we are now,  
10 or do we go countywide or somehow regional-wide. The  
11 question is not can you, but would you calculate those  
12 numbers for us now? You have those numbers of all the  
13 jurisdictions that have reported, so we'll have an idea,  
14 55 counties in California -- 58. We don't count anything  
15 past Hawaii.

16           MS. HUNTER: Speaking as a Y county.

17           MS. KOTKO: So would you be able to do that and  
18 give us that information? I know numbers are so fun, to  
19 be able to do that.

20           DEPUTY DIRECTOR SCHIAVO: By the next meeting?

21           MS. KOTKO: How about Christmas? That would be  
22 our present.

23           MS. HUNTER: That might be an interesting --

24           DEPUTY DIRECTOR SCHIAVO: We'll look and see if  
25 we can.

1 MS. HUNTER: If the data is available. Who knows  
2 whether everybody -- the clean data or the adjusted data  
3 and whether it's valid. If it is available and valid, it  
4 would be kind of fun.

5 MS. KOTKO: It's available what year.

6 DEPUTY DIRECTOR SCHIAVO: You know, we have a few  
7 things going on, such as we have the adjustment factor  
8 process going on. We have the disposal reporting regs  
9 going on. We have this going on, plus all the review.  
10 We'll see what we can do, but we're stretched pretty thin  
11 right now. This takes a lot of effort. We're going to do  
12 what we can. But I'm just saying if we can do it, fine.

13 BRANCH MANAGER VAN KEKERIX: You can just add up  
14 88 cities in L.A. County and the county, and then divide  
15 by 89. That doesn't work. We'll work on it.

16 DEPUTY DIRECTOR SCHIAVO: We'll see what we can  
17 do. We'll give it a shot.

18 MR. ZETTERBERG: Bob Zetterberg, City of Rancho  
19 Cucamonga. On the website under the profiles, you do have  
20 a 2000 statewide compliance for all jurisdictions. You  
21 have a pie chart. It doesn't give you percentages, but it  
22 lists down approved, base year, Board, and all of that.  
23 That's a good starting point.

24 DEPUTY DIRECTOR SCHIAVO: We'll have that. In  
25 fact, today at the Board meeting we showed the pie chart

1 showing the status the 2002 biennial process. That's  
2 already developed. We have that available.

3 BRANCH MANAGER VAN KEKERIX: And, actually, on  
4 the profiles, there are some data glitches right now we're  
5 working on to try to get that up to date.

6 DEPUTY DIRECTOR SCHIAVO: We'll give it a shot.

7 Any other questions or comments? Okay. We  
8 really thank you, I mean, a lot for all your time and  
9 effort and look forward to seeing you in the future.

10 And Michael.

11 MR. HULS: I just want to say, I know on behalf  
12 of everybody here, thank you very much for doing just a  
13 wonderful job today.

14 (Applause)

15 (Thereupon the California Integrated Waste  
16 Management Board, Board of Administration  
17 Workshop to Discuss Future Improvements to  
18 the AB 939 Diversion Compliance System  
19 adjourned at 4:00 p.m.)

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1 CERTIFICATE OF REPORTER

2 I, TIFFANY C. KRAFT, a Certified Shorthand  
3 Reporter of the State of California, and Registered  
4 Professional Reporter, do hereby certify:

5 That I am a disinterested person herein; that the  
6 foregoing hearing was reported in shorthand by me,  
7 Tiffany C. Kraft, a Certified Shorthand Reporter of the  
8 State of California, and thereafter transcribed into  
9 typewriting.

10 I further certify that I am not of counsel or  
11 attorney for any of the parties to said hearing nor in any  
12 way interested in the outcome of said hearing.

13 IN WITNESS WHEREOF, I have hereunto set my hand  
14 this 15th day of October, 2004.

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